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EDITORIAL COMMENT

Detroit is the best governed large city in America, proclaims the Detroit Citizens League. Will any other city dispute her statement? Chambers of commerce and other citizens' associations often assert their city's superiority in industrial or commercial advantages. Now let some step forward with data showing how well governed they are. The REVIEW will be glad to publish communications of this nature. In the meantime we might ask Detroit how does she know that she is the best governed large city in America. What standards of comparison has she used?

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The Rochester city council by vote of 6 to 2 has enacted a local law providing a non-partisan ballot in municipal elections. It will be recalled that the city manager, home rule charter originally included the non-partisan feature, which was later ruled out by the courts, however, on the technical ground that the sections of the state election law to be superseded were not specified. The new system goes into effect without a referendum of the people, because it was held that the principle of non-partisanship had been approved by the voters when they adopted the charter and the local law was consequently merely a correction in detail of procedure.

Special Assessment Bonds Now General Obligations in Iowa

The recent Iowa case, by which street improvement bonds now become general obligation of the city although ostensibly issued against assessed property, is discussed in this issue by Professor Horack in Professor Tooke's Department of Judicial Decisions and will be of interest to many readers. Professor Tooke in a succeeding note points out that the course of law in other jurisdictions has been different. Indeed in a late case, the United States Circuit Court of Appeals relieved the city of Nampa, Idaho of direct liability on the ground that "the bond-holder has a remedy by mandamus to compel the proper officers to make a new or supplementary assessment and collect the necessary funds to liquidate the bonds." In both cases the liability of the city was predicated upon "the negligence of the city in failing to perform its statutory duties to make a valid levy and collect the funds to pay the bonds," but the Circuit Court of Appeals declined to endorse the reasoning so acceptable to the Iowa court.

Precedent, as Professor Tooke points out, lies with the Circuit Court of Appeals. But in our judgment, ethics and sound practice rest with Iowa. To issue a document that looks like a municipal bond and carries words that

sound like a municipal bond is misleading. Of course bond dealers and large investors know it isn't a municipal bond; but others may be deceived and innocently purchase the imposing looking evidence of indebtedness, later to learn that they have nothing more than a lien on some private property of questionable value.

In practice the method is socially most expensive. Although it keeps the nominal city debt down, the actual debt of the community is not affected one whit. Generally the assessment bonds are accepted by the contractor who discounts them at the bank. Sometimes the discount is as much as 30 per cent. The city may even decline to act as collecting agent for the bond-holders who are thus left to shift for themselves. In this manner unnecessary risks are introduced through faulty procedure and the cost of improvements rendered unduly high.

The situation in the state of Washington stinks to high heaven. There through collusion, property owners have been able to escape the lien on their property entirely. The device has been to let the county take the property for general taxes, which wipes out the assessment lien, and later to buy it back free of the improvement obligation. But even where collusion has been absent assessments have escaped collection along with other taxes in various cities in which serious real estate deflation has followed the post-war boom. As a consequence many Washington districts are in default with resultant evil effects upon the municipalities in which they lie; and to make matters worse, cities desiring to restore their credit by assuming the district bonds are legally unable to do so.[1]

[1] See NATIONAL MUNICIPAL REVIEW for August, 1927, for article by H. B. Bickner, "Washington's Defaulted Bonds Not To Be Redeemed."

While the Washington predicament is extreme, many other jurisdictions permit the vicious special assessment bond with the attendant actualities and possibilities of evil.

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Public Works to Check Unemployment

Acute unemployment has developed within the past few months in a number of American cities. Until recently New York seems to have escaped. In February, however, the state labor department reported a decrease during 1927 in the number of factory workers employed, together with an influx of unemployed from other states; and Governor Smith has taken steps to stimulate state and city agencies to quick relief measures.

The present situation has renewed discussion of the possibility of planning public works construction to offset unemployment in private industry. Otto T. Mallery, who has for years been advocating the adoption of such policy, points out that erection of public works represents annually a two billion dollar industry, or more than one-fourth of the construction business of the country. At least twenty-seven lines of manufacture are dependent upon it for a good part of their prosperity, and Mr. Mallery proposes that public building be utilized to stabilize business conditions. This follows the program of the National Committee on Unemployment created by Secretary Hoover in 1921. Under the plan, federal and local governments would set up a sort of "reserve" of construction work for the future which would be known as a "prosperity reserve." When volume of construction shows a marked decline, it is to be incumbent upon the president of the United States to give the signal for local governments to start the work falling within their prosperity reserves.

In this manner a smaller percentage

of public work would be undertaken when private industry is active and a larger percentage in periods of depression when capital and labor are not fully employed. In 1922 Secretary Hoover committed himself to the scheme and other prominent persons and organizations have since endorsed it.

American cities in the past have generally given little thought to long-time construction programs. In recent years, however, the National Municipal League, in common with the municipal research movement and the city planners, has been impressing upon cities the importance of bond budgets. Only by this means can a sound policy of pay-as-you-go be adjusted to borrowing and the physical growth of the city be rendered harmonious and economic. The adoption of comprehensive city plans, which include schedules of financing, directs attention to long-term fiscal programs and renders bond budgets indispensable.

But if municipal and state governments, which are gradually being brought to a consideration of long-term programs, such as large private businesses have been accustomed to formulate, must now take up the question of adapting their improvements to the employment situation of the country, a new and complicating factor will be introduced; a factor mitigated, however, by the desirability of flexibility in the program to enable the city, within reasonable limits, to take advantage of depressed markets in carrying it out.

When all has been said, the causes of unemployment still lie hidden in the economic cycle, and a governmental "prosperity reserve" is an attack upon symptoms rather than upon the disease itself. Yet if wisely used it may alleviate hardship and thus prove useful. But in applying the remedy, our cities must not lose sight of the social service to be rendered by the preparation of and adherence to long time improvement and financial programs. We must not sacrifice the proven economies of a well reasoned procedure as opposed to hasty, premature and wasteful use of public funds.

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Business Frontage and City Growth

Coleman Woodbury, writing in the *Journal of Land and Public Utility Economics*, describes an examination into the size of retail business districts in the Chicago metropolitan region. For all the cities sampled (forty in number) the modal average was 50 feet of retail business frontage for each hundred of population. Residential cities as a class averaged 45 feet per hundred population, and industrial cities 55. As among individual cities, however, wide discrepancies prevailed. In one residential town the retail frontage was 90 feet per hundred while at the other extreme was found one with an average of only 22 feet. In one industrial city the average was 79; in another 45. Nevertheless, fair concentration exists in that 20 cities, or 50 per cent of the total number of all classes, are found in the relatively small range from 45 to 60 feet per hundred population.

In general it was found that the size of the city has no clear effect upon the relative size of the business district. Neither was it possible from the small number of samples to determine whether the general character of the city, *i.e.*, industrial or residential, influenced directly the proportion of business frontage. It was made clear, however, that the size of the business district varies inversely with the distance by express train in minutes from the Chicago shopping center. As a class the cities with the largest ratios are farthest from the central city.

While the above conclusions are of special significance for the city planner and zoner, real estate men and buyers of business or residential lots in new subdivisions should be aided in forming a more accurate estimate of the soundness of their investments viewed in the light of basic economic principles.

The communities studied were distributed among all the main directions of city growth. Although the variation in age and rate of growth was considerable, only cities which were firmly established on a growing basis were included in the sample.

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Party Responsibility Under National Party Emblem

Alfred Bettman has again placed the people of Cincinnati under obligation by his excellent paper, printed in the February number of *The Bulletin* of the Cincinnati Woman's City Club, surveying the city's future problems and responsibilities. It is a comprehensive report on what is being done under the new charter and what remains to be done. There are many interesting paragraphs, but the section relating to Cincinnati's once popular slogan "party responsibility," is one of the best.

Mr. Bettman points out how vague and seductive the slogan is. As used by the party leaders it was a bid for popular acceptance of partisanship in the administration of the municipal government. Party responsibility, believes Mr. Bettman, can properly be attributed only to parliamentary government where major questions are introduced by responsible party leaders in control of the legislature who risk their fate upon the acceptance of such measures by the legislature. Mr. Bettman recognizes that national parties both in the United States and England do participate in local elections, but correctly asserts that, if our national parties are responsible for anything it is for the policies of the national government. As a matter of fact party responsibility, even in national affairs, is imperfectly understood by Americans. More than once has a skillful organization squared itself with the people by changing its nominal leaders. Under no circumstances does a national party ever identify itself with municipal issues. For this reason the national party can support no true system of party responsibility in city government.

Moreover, the city manager idea is the very negation of party responsibility so far as municipal administration is concerned. Under this form of government the slogan becomes vicious. In any case it is a red herring across the trail.

In Cincinnati the concept was particularly ridiculous because under the old government the party chiefs did not hold public office. Indeed the party leader made his home in New York and rarely honored Cincinnati with his presence.

MUNICIPALLY OWNED BUS SYSTEM REPLACES STREET CARS

BY GEORGE C. MERKEL

Secretary-Manager, Alexandria (Louisiana) Chamber of Commerce

The growing city of Alexandria, La., with a population of 25,000, abandoned its municipally owned street railway in favor of busses, to the profit of everybody. :: :: :: :: :: :: :: ::

FORMERLY when the electrically operated street cars of this metropolis of Central Louisiana made their cumbersome and noisy way down the streets of Alexandria, serving only citizens living within a circumscribed territory, the question was often asked —"What are we going to do about the municipal street railway? How are we going to make it pay?"

Alexandria, like all other progressive communities was stretching out, extending its residential sections, relocating its industrial divisions, and more and more it was realized that it would cost a fortune to extend and reroute the street railway system, buy modern equipment and make improvements commensurate to requirements for years to come.

Other cities throughout the South were junking their street cars, or supplementing their extensions by motor busses. The commission-council of Alexandria studied these changes, obtained data through the Alexandria Chamber of Commerce, through motor bus manufacturers and directly from communities, and decided in favor of the replacement of the entire system by municipally owned motor busses. In this they had the hearty approval of the citizenry.

That was during the latter part of the year 1926. First a trial bus line was operated; then, on January 1, 1927, all of the street cars were taken off and the Municipal Bus Lines began operation along a series of routes worked out according to population growth and to the advantage of persons travelling thereon. Instead of ten cars of the one man type operating over nine miles of single track route, a dozen busses carry passengers over approximately fifteen miles of route, on a closer schedule and to the entire satisfaction of the citizens were provided.

Opponents to the motor busses argued the expense of upkeep of tires, mechanical equipment and depreciation. With an extra bus always in reserve, each bus is given a thorough inspection every twelfth day and such service as may be necessary. A trouble car is ever ready to change a tire or make some adjustment without noticeable delay to the patrons of the route effected.

A seven-cent fare is charged and the system as a whole is a paying institution. Only one of the routes does not pay, and that because it operates beyond the city limits to a railroad terminal with periodically heavy passenger movements and little territory to serve enroute at other times of the day.

The popularity of the busses is indicated by the growing number who utilize their services. In the month of January, 1927, the first month of operation, the busses carried 610 more passengers than the street cars during the

previous December, although Christmas is a time of heavy travel. The number of passengers for January, 1927, was 11 per cent greater than for January, 1926, and the number for December, 1927, was 57 per cent greater than for the same month of the preceding year.

One of the interesting features connected with the installation of the municipal bus lines in Alexandria is the fact that the cost, $85,973.25 including garage and repair equipment, was met from the general fund and earnings of the city and not by bond issue or certificates of indebtedness.

The city of Alexandria is under the commission form of government, its council consisting of J. F. Foisy, mayor and commissioner of public health and safety; V. M. Ake, commissioner of finance and public utilities, and R. W. Bringhurst, commissioner of public streets and parks. All public utilities in the city, which include electric light and power, water works, bus lines and gas distribution system are municipally owned and operated.

THE FEE SYSTEM RECEIVES SETBACK IN KENTUCKY

BY A. VANDERBOSCH
University of Kentucky

The $5,000 constitutional limit on officers' salaries held to apply to fees of county officials. :: :: :: :: :: :: :: ::

A RECENT series of law suits has forcefully brought home to the people of Kentucky the archaic state of their county government. Incidentally, the decisions in these cases may have destroyed much of the lucrativeness of some of the offices in the more populous counties of the state.

In Kentucky practically all of the county officers are under the fee system, and it was in connection with the sheriff's office that the cases originated. Besides the specified fees which he is allowed for serving as the executive arm of the court, the sheriff, as the collector of the county and state taxes, is allowed 10 per cent commission on the first $5,000 of the taxes he collects, and 4 per cent on the residue.

PERSISTENT TAXPAYER WINS A VICTORY

The sheriffs remained undisturbed in the enjoyment of their ample revenue until a few years ago, when a Fayette county taxpayer brought suit against two ex-sheriffs, their bondsmen, and the members of the fiscal court for fees in excess of a constitutional limitation. Section 246 of the Kentucky constitution provides that "no public officer, except the governor, shall receive more than $5,000 per annum as compensation for official services, independent of the legally authorized deputies and assistants, which shall be fixed and provided for by law." The taxpayer asserted that for one year alone the sheriff has received as fees, per diem salary, and commissions, over $26,000 in excess of the $5,000 he was authorized to receive under the constitution.

Although losing his case before the lower court, the suing taxpayer won a sweeping decision from the court of appeals. The upper court held that the sheriffs' right to retain the com-

missions and fees was subject to the constitutional limitation of $5,000, independent of the compensation of legally authorized deputies and assistants. This constitutional limitation, the court held, was self-executory, and thus did not require legislative action to bring it into operation.[1]

Upon the return of the case to the circuit court, general demurrers were sustained and the petitions of the taxpayer were again dismissed. The taxpayer again appealed to the court of appeals where the judgments of the court below were affirmed as to the members of the fiscal court, but reversed as to the sheriffs, and the causes were again remanded for trial.[2] The sheriffs thereupon went to the fiscal court and made a settlement of all the claims involved by the payment to the county of $10,000. These settlements they now pleaded as a bar to the further prosecution of the case.

The determined taxpayer, contending that each sheriff had received over $120,000 in excess of the compensation allowed by the constitution, again appealed to the court of appeals. This time he sought contempt of court proceedings on the ground that the settlements by the fiscal court and the sheriffs without his consent was in complete disregard of the orders of the court. The appeal, however, was lost, the court holding that the taxpayer's consent was not necessary to the settlement, and that the compromise settlement was a bar to further action against the ex-sheriffs. Action could be brought by a taxpayer only when the fiscal court refuses to bring such action.[3]

On a petition for a rehearing of the case, the undaunted taxpayer won the right to introduce evidence to show that the settlement was not made in good faith. The court of appeals ruled that the taxpayer's appeal, alleging that the public inspector's report showed the two ex-sheriff defendants were indebted to the county in greater amount than the amount of settlement, and that prior to the compromise agreement an offer had been made to settle for a larger sum, was sufficient pleading of lack of good faith on the part of the fiscal court.[4]

After suits for damages, totaling $300,000, had been brought against the taxpayer by the former county judge and the five magistrates, who were members of his fiscal court, because of alleged libelous statements made about them in connection with the compromise settlement, a final settlement was made. The taxpayer was paid $9,500 in attorney's fees, $1,000 coming from each of the defendant former sheriffs, and $7,500 from the fiscal court. The damage suits were dropped.[5]

As a result of these decisions the last sheriff was made to come to the fiscal court to make a settlement, and the present sheriff is apparently running the office at much less cost than previously. In opposing the compromise settlement of $15,000 with the last sheriff two members of the fiscal court declared that the sums allowed for salaries for deputies were much too large, and over $50,000 more than the present administration is spending for this purpose. Further evidence of the far-reaching effect of these decisions can be gathered from the fact that only recently suit has been brought against a former county attorney of Jefferson county, of which Louisville is the seat, for the recovery of $91,000 in excess fees.[6]

[1] 196 Ky. 523; 245 S. W. 157.

[2] 210 Ky. 51.

[3] 211 Ky. 737.

[4] 219 Ky. 349, 373.

[5] Lexington *Herald*, May 28, 1927.

[6] Louisville *Times*, Oct. 18, 1927.

MAGISTRATES AND CONSTABLES STILL RECEIVE FEES

Another recent court decision instrumental in arousing general disapprobation of the fee system so prevalent in Kentucky county government, was that of *Tumey* v. *Ohio*,[1] in which the United States Supreme Court declared it a deprivation of due process of law for a defendant in a criminal case to subject his liberty or property to the judgment of a court "the judge of which has a direct, personal, substantial pecuniary interest in reaching a conclusion against him in his case." The Supreme Court pointed out in its decision that Kentucky was one of the states in which the practice which it was declaring illegal was still prevalent. Under an old Kentucky statute magistrates get costs of courts only in cases of conviction and fines, and none in cases of acquittal. So also the constable receives fifty cents for making an arrest and two dollars for his services in summoning a jury, attending the trial, and conducting the defendant to jail, but he receives none of these fees if the party arrested is not fined, for the law provides that the fees are "to be paid by the party convicted." In conformity with this decision of the United States Supreme Court, the unconstitutionality of the magisterial fee system of Kentucky has now been established definitely also by a decision of the Kentucky court of appeals.[2]

As editorially stated by the Lexington *Herald*, this method of paying the magistrates and constables results in "many fines of $1.00 and costs and one cent and costs—things that disgust most citizens with the administration of the law, fines which virtually admit they are not justified and which say to a defendant, 'You haven't done anything, but I have to get mine.'" In some cases, also, the county judges and justices of the peace are entitled to collect fees for holding alleged law violators for the grand jury. Such a system is an open invitation to extortion. But in spite of the Supreme Court decision in *Tumey* v. *Ohio* and the recent decision of the Kentucky court of appeals, the magistrates' courts of Kentucky are grinding out convictions under the old system.

Another feature of county government in Kentucky that has recently come under fire is the "per diem" under which the members of the fiscal court are paid. Aside from the fees which they receive as justices of the peace in the trial of misdemeanor cases, the only compensation which members of the fiscal court receive is from the "per diem" allowed for the attendance upon committee meetings. A recent investigation in Fayette county disclosed the fact that the magisterial committees met every day not restrained by law, or on an average of about twenty-five days a month. These committee meetings are held for very trivial business transactions. For example, one committee met to authorize the purchase of an ice book at cost of three dollars.[3]

The Fayette county grand jury, unearthing these practices of the fiscal court, recommended the adoption of the commission form of government. However, the commission form of government which the Kentucky constitution allows as an alternate to that of the fiscal court system has very little to recommend it. Under either form one chief defect is apparent—that of a large number of constitutional elective officers. All suggestions offering any promise run into the same

[1] U. S. Supreme Court 71 h. Ed. 508 ff., March 7, 1927.

[2] 222 Ky. 306. Decided Dec. 6, 1927.

[3] Lexington *Herald*, Nov. 7, 1926.

obstacle, the rigid provisions laid down for county government in the constitution. This is quite generally recognized, with the result that a constantly growing opinion is demanding the calling of a constitutional convention for the purpose of drafting an entirely new constitution.

OUR AMERICAN MAYORS

IX. MAYOR LAURENCE C. HODGSON OF ST. PAUL

BY GEORGE N. BRIGGS

St. Paul

The people of St. Paul listened patiently to the heavy debate between Capital and Labor and then elected, by an overwhelming majority, the slender, pale-faced Larry Hodgson who had come out boldly and without reservation for brotherly love. :: :: :: :: :: ::

THAT serious-minded part of the American public which predicts the country will sink unless we have business, more business and yet more business in government should find it difficult to explain what is keeping the city of St. Paul, Minnesota, from going down for the third and last time.

Laurence C. Hodgson, the city's mayor and at this writing a candidate to succeed himself with at least an even chance of doing so, has never claimed to be a business efficiency expert. As a matter of fact he admits something akin to a passion for writing poetry; he would rather talk about brotherly love any time than industrial development, and for this, shortcomings and all, Larry Ho is held in the deepest affection by tens of thousands of people in the Northwest where men are reputed to be men.

Once upon a time Larry Ho lived and labored in Minneapolis. Informed, he explains, that a woman in St. Paul had hit upon the happy scheme of turning her flapjacks by putting popcorn in the batter, he decided that was a pretty good town for a shiftless man to move to, so he came to St. Paul and has been one of its principal points of interest ever since.

"LARRY HO," MAYOR OF ST. PAUL

MORE POET THAN BUSINESS MAN

Two years ago, in opening his campaign, Mr. Hodgson said:

"The charge against me is that if I write poetry, I must, of necessity, know little about business, and perhaps I do."

To which one of the newspaper editors replied:

"There is no 'perhaps' about it. Any man who proposes to let his plant run down, pocket all the profits and leave nothing for reserve, depreciation or future expansion may be a first-class poet, but he certainly is no business man. And there is a great deal more business than poetry in the administration of a corporation such as the city of St. Paul with an annual budget of about $10,000,000."

This dialogue is interesting because it brings out quite clearly what the newspapers think of Larry Ho as a business man, and yet he is so close to newspaper men of the Northwest, having been one of them himself, that no one else may abuse him and go unchallenged.

What Larry thinks of his own poetry may be found summed up in a political speech he made two years ago.

"Inasmuch as my poetry is not very good poetry, I do not think it should be held against me as a major offense."

Larry Hodgson is intimately and affectionately known throughout the Northwest by men, women and children as a poet of no mean attainment, as an orator beyond compare and a man possessed of such endearing qualities that they will gladly forgive his poetry no matter how "bad" it gets. Forgetting for the moment his lack of business sagacity, vision, courage or whatever it is that makes a business leader, we may well inquire into the mystery that has three times returned him St. Paul's mayor and, as we go to press, gives some promise of increasing it to four.

One friend once said of him: "I like to think of Larry as the man he would like to be." Perhaps that feeling is so strong and so general that the mystery of his political success is already solved.

And what Larry thinks of himself generally he expresses in these words:

"I think if you talked to those who have known me intimately all my life you would find that they understand I am something more than a good fellow —that I have a serious purpose in life. I entered the city hall with a very definite purpose in mind. I have seriously given my time to city problems. I have worked hard and achieved some results. I think my administration of the finance department met with considerable approval, both newspapers praising it. The fact that I was the one person to be elected twice to the presidency of the League of Minnesota Municipalities would indicate that I was not regarded as entirely incompetent as an official. And I think the character of some of the intimate friends of my life—men high in business many of them—would indicate that I am not wholly without intellectual quality."

LARRY HODGSON'S ISSUES

It was in 1918 that the writer of this study was assigned by his city editor to campaign with Larry Hodgson in his first bid for the job of mayor. The primary fight had been between a business man, a labor man and Larry, the latter then known, in and out of St. Paul, as a poet, impractical, the victim if possible of too many devoted friends and wholly inexperienced as an executive. The business man, successful in the conduct of his own affairs, forceful and progressive, came in third best, no one knew why.

While the labor candidate harangued the voters with terrifying word pictures of the titanic struggle to the death then ensuing between Capital and Labor; of the palpitating world issues that must and could be settled only by the ballot; of the industrial collapse that would follow failure to vote according to in-

structions; while the labor candidate was perspiring through a dizzy campaign of intricate issues, Larry Hodgson was talking to the Nature Lovers' Association about the beauties and morals of birdlife; to the Commercial Bowlers' League about strikes and spares and frames; to the Elks, the Moose and the Eagles about the fraternity of men. The result of this heated political discussion was that the nature lovers, bowlers and joiners stepped out and elected Larry Hodgson mayor and the burning problems of industry were put away in moth-balls for another two years.

The campaign of 1918 was repeated in 1920 when the people of St. Paul listened patiently to the heavy debate between Capital and Labor and then elected, by an overwhelming majority, the slender, pale-faced Larry Hodgson who had come out boldly and without reservation for brotherly love.

Of course such a policy had its disadvantages and its enemies. When, after four years of private life during which time he had served as St. Paul's commissioner of finance, Larry came back for a third term, one newspaper editor sized up the situation in the following language: "After standing still for a long time under the Hodgson plan, St. Paul suddenly discovered the necessity for spending a huge amount of money to catch up with the procession. Our school plant had been allowed to run down, our water supply needed elaborate additions, sewers had not been constructed, our park system was a system in name only and our streets required miles and miles of paving. We had to spend nearly $10,000,000 in a lump to bring the city up to date. As a result of the 'standstill' policy, St. Paul was obliged to spend in four years a sum which might have been spread over a decade if there had been any business foresight in the city hall.

"The standstill policy is only justified upon the assumption that St. Paul's growth is at an end—that the city is going to need no more schools, sewers, paving, etc., and that it is to attract no new industries and no new population. This may be Mr. Hodgson's idea, but we doubt very much if the people of St. Paul subscribe to it. New problems connected with the growth of the city constantly are arising, and if St. Paul is to keep up with the procession, it must deal with them as they arise."

So impressed were the voters with the force of this sound business argument, that they rushed out—the nature lovers and the bowlers and the joiners —and elected Larry Hodgson as their mayor for the third time.

CAN HE KEEP IT UP?

Larry is soon again to be opposed by a business man and a labor man. It remains to be seen whether the people of St. Paul are still of the opinion that one who writes pretty good poetry and makes better speeches than any man in the Northwest should be continued as head of a $10,000,000 business corporation in spite of his lack of intensive business training.

"I have never tried to convince myself or others that my election was a public necessity," said Mr. Hodgson two years ago as he mounted the stump. "I hope I have too great a sense of humor to believe that humanity hangs breathless on my political fate. St. Paul is not made by its officials but by the spirit of its citizenship and that citizenship will carry on regardless of what men happen to be in public office. As long as there are horses to be shod, the blacksmith will be at his forge the morning after election and the grocer will open his store as long as people have to eat, whether one man or another is elected mayor of St. Paul.

"The several hundreds of citizens who presented my name for mayor represent every shade of opinion and condition of life. They have asked nothing of me and, I believe, they expect nothing of me except the spirit of service—a willingness to listen to all people who have business with the city, a freedom from prejudice and intolerance in dealing with public questions and the desire to work faithfully in cooperation with all classes for the public welfare."

One may gain from the foregoing statement something of the humility and gentleness that have been outstanding characteristics of Mayor Larry Hodgson since he came upon the horizon as a newspaper man between two and three decades ago. These, and other qualities, have made him unique among public figures in the Northwest.

A POPULAR ORATOR

Several years ago Woodrow Wilson came to St. Paul as President of the United States. He was introduced to an enormous Twin City audience by Mr. Hodgson, at that time mayor and then as always a staunch Democrat in a state where Democrats are scarce —introduced in such brilliant fashion that President Wilson referred to it at some length in his preamble as one of the finest he had ever heard.

Quite a tribute from one who must have known an introduction when he heard it!

About the same time a penniless and friendless wayfarer was mortally stricken on the streets of St. Paul. With the breath that was almost his last he asked that Larry Ho preach his funeral sermon. Never was more tender leave taken of a public benefactor.

On twenty minutes' notice Mr. Hodgson spoke at the bier of one of his best and closest friends—a farewell so touching and beautiful that manly emotions were moved, in spite of all efforts to control them.

Had the business men of New York heard Mr. Hodgson on the occasion of a certain public function in Newark, they would have been tempted to put him at the head of the metropolis and its affairs reaching into the hundreds of millions. His plea for brotherly love would have convinced them that here at last was the man to run their public business.

In competition with all the eulogies that have been delivered in memory of the Unknown Soldier, the Northwest will enter that one spoken by Larry Hodgson a few months ago.

Larry Hodgson is a home product. Hastings, Minnesota, located a few miles distant from St. Paul, prides itself as Larry's birthplace, and Larry will always be Hastings' first citizen. It was there he served the Hastings *Democrat* as reporter, editorial writer, editor and, occasionally, as versifier.

Secretary to two speakers of the Minnesota house of representatives, chief clerk of the state department of public instruction, chief clerk of the census bureau and secretary to two St. Paul mayors, Larry Hodgson learned all he knows of business in these capacities. He had previously written baseball and verse for the old Minneapolis *Times*, and among veteran newspaper men Larry's devotion to the Minneapolis baseball team will long be a tradition. When the team lost Larry recorded the fact with great difficulty and many heart pangs. Once he roamed along the river front until late at night bemoaning the misfortune of a Minneapolis pitcher whose noble efforts had that day been nullified by an unsteady third baseman.

Larry Hodgson reached his greatest political heights when, in 1920, he became the Democratic candidate for

governor of Minnesota. But even Larry Hodgson, personally popular as he was, could not overcome the staggering Republican odds. Had it been possible to eliminate the party labels, Larry Hodgson, poetry and all, might easily have been swept into the governor's mahogany chair. Which would have been another triumph for brotherly love over better business methods in government!

Larry Hodgson is a part of every newspaper office in Minnesota; he is in constant demand as a public speaker, and whenever he writes a poem the people read it and applaud.

"If he only had a good business manager," is the stock wish of all Larry's friends, who incline to the view that lack of one is all that stands between him and fame and fortune.

And yet, at the age of 53 years, Larry Hodgson has been the mayor of Minnesota's capital city three times, notwithstanding that he never went to business college and may not live to know the difference between administrative and operating cost accounting. But he may be mayor of St. Paul again. Who knows!

THE RECENT MUNICIPAL ELECTIONS IN ENGLAND

BY WILLIAM A. ROBSON

Editor of "Local Government News" published by the Fabian Society in conjunction with the Labor Party

Additional comment[1] *on the last municipal election in England from the viewpoint of a member of the Labor Party.* :: ::

On November 2 last the election of local councillors took place in all the municipal boroughs of England, Wales and Scotland, with results that are of the utmost importance and significance to the Labor movement and its supporters.

There are no official returns published for British municipal elections, but figures have been compiled for about seventy of the chief cities of the country, and these give the main outlines of what happened last month. In these seventy cities 105 Conservative, 56 Liberal, 50 Labor and 43 Independent candidates were returned unopposed, while 330 Conservative, 184 Labor, 130 Liberal and 104 Independent seats were contested. The largest number of candidates was put into the field by the Labor Party (683); the Conservatives came next with 466, the Liberals and Independents presenting 219 and 228 candidates respectively.

The net result of the contested seats in the seventy cities under review was a net gain to Labor of 121, a net loss to the Conservatives of 87, while the Liberals and Independents lost 19 and 15 seats respectively. The dominant feature of the elections was, therefore, a sweeping victory achieved by Labor throughout the country, at the expense, not of one of the other parties, but of them all—in many cases of them all combined. Quite often all the other parties and candidates joined together in a coöperative effort to "Keep out the Socialist," and in more than a few places the differences between Liberal and Conservative

[1] See National Municipal Review for February for article by James K. Pollock, Labor Party Gains in Municipal Elections in Britain.

candidates appeared to be mere lovers' quarrels. Save for the even more remarkable success of the Labor Party in the municipal elections last year, when 146 seats were gained, this result is far in advance of any previous victory. In 1924, for example, Labor gained only 20 seats, in 1925 less than 50 seats were added to the total. (By "gained" I refer of course to net increases, not to the total aggregate of successful candidates.)

The figures for the total gains do not, however, express the true dimensions of the Labor victory. It is necessary to look at the detailed results for each city before one can comprehend the remarkable evenness with which the Labor successes are spread throughout the electoral field. The 121 additional seats have been achieved, not by a sudden conversion to the Labor point of view of one or two Conservative strongholds, but by a steady advance all along the line—three seats here and four there betoken the rising tide of Socialism. In several towns, indeed, the parties were so evenly balanced before the elections that one or two extra seats have sufficed to place Labor in control of local affairs on the Council. Thus at Birkenhead, Barnsley, Leigh, Nelson, Swansea, Mansfield and Prestonpans, the Labor Party is definitely in control for the first time. In West Ham, Wigan, St. Helens, Merthyr Tydfil, Smethwick, Port Talbot, Cowdenbeath and Lochgelly the preëxisting Labor majority has been maintained. Above all, at Sheffield, which with its population of half a million is easily the largest city under Labor control, the Labor majority has been actually increased despite the most strenuous efforts on the part of its adversaries to regain the control of affairs. Almost everywhere else Labor is strengthening its position by degrees—a form of progress at once both solid and hopeful. In a large number of the more important cities the Labor Party is the largest party of the council, although it has not an absolute majority over all the other members. At Leeds, for example, Labor now has 33 members, as against 27 Conservatives and 8 Liberals. At Manchester, the new council is composed of 66 Conservatives, 45 Labor, 25 Liberals and 3 Independents, which means that Labor and Liberal can have their own way if they choose to unite on any particular measure before the council.

LOCAL ISSUES MOST PROMINENT

The elections were not fought or won on any single issue, but on a number of different questions. Some of these questions were matters forming part of the general policy of the parties: for example, the continuous and insistent slogan of the Conservatives has been an appeal to keep down the rates (*i.e.*, local taxes) at all events, regardless of local needs, local aspirations and civic duties. The Labor Party stands, in general, for the vigorous and progressive development of municipal activity, and for further enterprise in regard to the social services, such as education, public health and housing. In the main, however, the elections were contested to a large extent on local issues—that is, on the application to particular local problems of these political philosophies. Shall a slum clearing scheme in the city be gone on with? Shall new secondary schools be built? Shall the public utilities, such as gas or water or electricity, be extended? This is the type of question that has interested the local electorate and decided the election.

A NEW CONCEPTION EMERGING

The lesson which emerges from the Labor victory is that the nation is gradually moving towards an entirely

different conception of municipal government from that which dominated Britain during the past century. Nearly the whole of the existing structure of local administration was either erected or reformed during the Victorian era. That age was one in which men believed fundamentally in the doctrine of *laissez faire*, and they were unwilling to embark on any form of collective enterprise in the field of government save what was rendered absolutely necessary by the inexorable logic of events. Accordingly, when they were compelled to deal in some way with the problems arising out of the industrial revolution, the municipal bodies which were established to administer public health, education, police, and so forth, bore all the signs of an unwilling parentage. The local councils were to follow the ideal prescribed for good children in the Victorian age: they were to do only what they were expressly told they might do. Apart from that, they were to sit still and be quiet. Hence, no local authority in England may carry out any function of government except those for which it has received express permission in an act of parliament.

The greater part of those acts relate to unavoidable necessities such as drains and sewers, street lighting, gas, water, education, etc. The ideal of civic patriotism which flourished at its greatest height in Elizabethan England, when, despite a deplorable absence of drains and police constables and gasworks, the city was nevertheless regarded by its inhabitants as a great adventure, something to be beautified and made an object of glory—this ideal was utterly forgotten or ignored by the men of business of the nineteenth century. Thus, although English local government is unsurpassed for efficiency and excellence in many fields of utilitarian achievement, such as public health, highways, the police forces, and so forth, the more cultural elements find no place in municipal life. Our industrial cities are on the whole ugly. We have no municipal theatres, as in Germany, where the city council is often the focus of many of the more spiritual or artistic aspects of town life. We have scarcely any municipal concerts, picture galleries or museums to be proud of as municipal achievements.

There can be little doubt, I think, that the day is passing, and passing rapidly, when the people are content to remain acquiescent with this state of affairs. There is a growing feeling that the cities ought to have a much larger opportunity for the display of spontaneous initiative, that they must be rid of the fetters which compel them to come to parliament, hat in hand, whenever they want some trifling new power. Incidentally, many members of parliament themselves realise that no great progress is possible if everything in the way of new social development has to pass through the bottle-neck at Westminster. The work of the House of Commons suffers from severe congestion as it is, and it would be a tremendous relief of this congestion if local authorities were able to enter on new undertakings without compulsory application to parliament.

LABOR PARTY FOR BROAD HOME RULE

Seen in this background, the Local Authorities (Enabling) Bill, which has been promoted by the Parliamentary Labor Party, is of far-reaching importance. It is a measure designed to give local authorities the same powers as are accorded to ordinary trading and joint-stock corporations. In effect, it would permit them to do everything except undertake certain prohibited activities which would be reserved to the central or national government. In this way, the whole centre of gravity would swing from London to the prov-

inces, so far as local government is concerned, and parliament would have the time it needs to devote to the great national questions of economic and social importance, to foreign affairs and imperial policy.

If the bill were passed, we might reasonably anticipate an immense release of civic energy and municipal activity of a high order, a renaissance of collective effort in the cities of Britain. Whether or not it will pass into law depends, of course, not on the local councils but on parliament itself. No Conservative or Liberal Government would legislate on those lines. Only a Labor Government would pass the bill: but pass it they would, for the principle which it embodies has become official Labor policy. The likelihood of its realization depends, therefore, on the trend of national politics. In order to predict on this matter we must leave the realm of accomplished fact and enter the realm of speculation. Many people are wondering what bearing the recent municipal elections are likely to have upon the next general election—an event which can scarcely be delayed beyond next spring or autumn. It is difficult to prophesy with any certainty. The influence of local elections on parliamentary elections may be exaggerated: as I have pointed out above, many of the municipal contests are fought on local issues, and when it comes to national affairs the party issues often become more clear-cut, individual prejudices become more marked, apprehension more acute, controversy more embittered, and political intelligence less noticeable. Many electors will vote Labor in the local elections and yet support one of the other parties in the parliamentary elections. Nevertheless, the good work which the Labor town councillors are doing in the localities is helping to convince the nation of the capacity of the Labor Party to govern the country wisely and temperately, and to impress people with the fact that progress and stability can go hand in hand in the political arena. The other parties, particularly the Conservatives, are uneasy at the municipal achievements of the Labor movement, viewed from the standpoint of influencing the trend of national politics, and I think myself that they have reason to be uneasy!

DES MOINES TRIES THE CONCILIATION COURT

BY FRANCIS R. AUMANN
State University of Iowa

Des Moines joins the list of cities which have lifted justice in small matters out of the class of prohibited luxuries available only to the rich.

After much activity on the part of members of the local municipal court a conciliation branch was established at Des Moines on September 1, 1927, under the statute of 1923 providing court rules for the conciliation of small claims. Judge H. H. Sawyer, who had studied the Cleveland and Minneapolis courts, was particularly active; and upon the establishment of the court he was appointed conciliator to serve for the period ending March 31, 1928. He was also authorized to prepare such blanks, books, and dockets as he deemed necessary for the successful transaction of business. Judge Sawyer went about this task with commendable zeal and the court was soon in active operation. From all indications the court is operating with marked success.

At the end of two weeks 75 cases had been filed and the number increased as the public became familiar with the nature of the court. Judge Sawyer felt that it was unfortunate that the court had been called a conciliation court and not a small claims court, because of the confusion resulting to the general public as to its nature. It seems that the public got the impression that because of its name the court was a court of domestic relations.

PROCEDURE IS SIMPLE

The procedure in the new branch of the municipal court is simple. One of the municipal judges is detailed to act as conciliator for the period of one year. If for any good reason he can not be present any of the other judges may serve in his place. This judge applies the rules of conciliation which have been adopted by the municipal court.

The judge appointed as conciliator receives no increase in pay. One of the deputies of the clerk of the municipal court is made clerk of the conciliation branch at no increase in pay. The state and city incurs no additional expense at all.

Any person who has a claim which is within the jurisdiction of the municipal court may appear before the conciliator and state his claim without formality or written pleadings. The keynote of the new branch is its simplicity and directness of action. Formalism is conspicuously absent. The employee who feels he has been cheated out of $5.00 in salary by his employer may take his grievance before the conciliator without paying an attorney. The conciliator may reach for a telephone, call up the employer and bring him into his office for an informal settlement. There will be no costly notices, no bewildering procedure, no delays, none of the things which in the past stood between justice and the poor man.

If the conciliator finds that it is a proper case for conciliation, the defendant is notified and the conciliator attempts to adjust the claim. On the other hand if he thinks that it is not a proper claim for conciliation, he says so and the claimant is permitted, if he so

desires, to file his suit in the municipal court in the usual manner.

FOR SMALL CLAIMS, CONCILIATION MUST FIRST BE ATTEMPTED

The conciliation process is vitalized by the provision that no claim of $100 or less shall be filed in the municipal court until a good-faith effort has been made to settle the claim by conciliation and a certificate to that effect furnished by the conciliator. There are exceptions to this, however, as in cases of suits aided by attachment, or to enforce a lien, or for replevin, or upon written contracts when due, or in cases where the petition states that the defendant is about to change his residence from the county, or where either party to the controversy is a non-resident of the county.

When a claim is filed with the conciliator, he sees to it that the defendant is notified by telephone, or mail, orally, or by service of an original notice. In this notification he must inform the defendant of the amount of the claim, the person making it, the nature of the claim, and the time fixed for the hearing of the matter.

If the defendant has been served with an original notice to appear before the conciliator and he fails to appear, the case may be docketed by the claimant and judgment entered in the usual manner. On the other hand if the defendant has been notified orally, by telephone, or by mail, and he fails to appear, the conciliator may at his discretion, order the case filed in municipal court and an original notice to be served upon the defendant with or without prepayment of costs. Or the conciliator may make any other order in the furtherance of justice.

The parties may appear at the hearing in person and present their respective claims and defenses to the conciliator, or either one of them may be represented by counsel who is authorized to settle the controversy. The hearing is informal. The conciliator may swear the witnesses and take evidence in such fashion as he deems most conducive to a settlement of the controversy, or he may suspend altogether the rules of evidence and swearing of witnesses. The elasticity and the wide discretion vested in the judge is one of the court's chief merits. Any information obtained at the hearings or during the proceedings is confidential, and may not be used against the one giving it, or in the trial of the case afterwards. The hearings, however, are held in the open court room, the parties sitting with the judge around a table. There is nothing private about the hearings.

If the conciliator is unable to settle the controversy he furnishes a certificate showing that a good-faith effort has been made to conciliate the case. This is made upon the request of either party and permits him to commence his action in the municipal court. An appearance before the conciliator by any party gives the court jurisdiction for the trial of the case, but no case shall be assigned for trial in the municipal court within five days of the hearing by the conciliator, except by the consent of both parties.

When a case has been fully settled by the conciliator, no further record is kept. When the settlement agreed upon is not fully paid or executed, it is reduced to writing, signed by both parties, and filed with the clerk of the municipal court, and afterwards a judgment may be entered on it at the request of either party, or by direction of the conciliator or any judge of the municipal court.

COSTS ARE ONE DOLLAR

In all cases adjusted by the conciliator a fee of $1 is taxed and paid as costs.

This is in lieu of all other costs. This small charge brings the court to the door of any man. If a poor man's court is the ultimate desideratum in the administration of justice, and that is the general contention made by able commentators, then this inexpensive system certainly fulfills the purpose and puts an effective and efficacious agency of settling small disputes close to the people of small means.

The fee is assessed at the direction of the conciliator, and may be required before filing the case if he chooses. When no settlement is made, no fee is taxed, but if a fee has already been paid, it is credited upon the filing fee in the municipal court.

The records show that the cases have continued to increase. In September, the first month of operation, there were 130, in October there were 164, in November the number of cases before the court was still larger, and there is every reason to believe that it will continue to increase as people learn more about it.

The court has not been able to conciliate in every case, but that would be too much to expect. About 254 of the 294 cases heard up until October 1, were disposed of amicably; 18 were still pending on October 31; in 12 cases the service was defective, and 10 were dismissed or dropped. The record shows clearly that the court has made a place for itself.

The forms first devised by Judge Sawyer were used for some time and then discarded in favor of a rubber stamp indicating the disposal of the case. Some of the forms were completely changed, others were permitted to remain intact. The changes effected demonstrate as well as anything the experimental character of the court. It is trying things out and retaining or discarding at the dictate of experience.

Among other changes, Judge Sawyer is of the opinion that there ought to be provision for the service of original notice by registered mail, and that the conciliator ought to have the right, or duty, to enter some kind of judgment after hearing the case when the parties cannot agree on a settlement, and then permit either party to transfer the case to trial before another judge on the payment of a fee of perhaps $2.

It has also been suggested that the conciliator should be appointed, perhaps by the governor, and for a long term, with removal only for cause. Tenure on a classified civil service basis might be the most satisfactory arrangement. At any rate the experience in Des Moines, as well as the experience in Cleveland and Minneapolis, demonstrates that the success or failure of the plan depends very largely on the man who attempts to conciliate. If the right man can be found he should be kept in the place. The great success of the court in Cleveland was largely due to the peculiar talents of the man who founded the court and who acted as Conciliator until his death, a year ago.

The whole process is new and in a formative period. Undoubtedly many changes will take place as time passes. The best measure of its success is its continued growth.

DUBLIN'S PROPOSED MANAGER-COUNCIL PLAN

BY F. H. BOLAND
Dublin, Ireland

The Free State is about to confer city manager government upon Greater Dublin. The proposal departs from the American plan in several important features designed to meet conditions peculiar to Ireland. The system of metropolitan government is novel. :: :: :: ::

THE Irish local government system[1] suffered seriously in the revolutionary period from 1918 to 1921. Elected local councils became political storm centers and neglected their duties. Central supervision of local administration became, in the later phases of the struggle, impossible. Many irregularities crept into the conduct of local affairs. The effect of the Criminal Injuries Acts, which made judicial decrees for "malicious injuries" a first charge on the available funds of the local authority within whose area the offence was committed, was to bring the local treasuries to the verge of bankruptcy.

This was the state of affairs which confronted the Free State government when it took office in 1921, and it was enabled to deal with it by the very violent reaction of public opinion which followed the civil disturbances of 1922. Legal proceedings were instituted wholesale against errant local bodies and their officials, while statutory powers were given the minister for local government and public health to dissolve and replace by paid commissioners, appointed by himself, local authorities whose discharge of their duties was found, upon enquiry, to be incompetent or dishonest.

Under these powers, twenty local authorities were dissolved and, in all but three cases, their functions were transferred to single commissioners. In every case, the result has been lower taxes and better services. Indeed, so violent is the contrast between the administration of these officials and that of the elected councils that a considerable body of opinion has grown up in favor of the appointed expert, as opposed to the elected body of amateurs, as the model of Irish local government. It is unlikely that reform will go so far as to eliminate the representative element. Drastic modification of the whole local government system is foreshadowed, but the present tendencies are towards such a combination of the expert administrator and elected council as is achieved in the American city manager plan.

[1] See J. J. Horgan, NATIONAL MUNICIPAL REVIEW, XV, 449.

DUBLIN NOW GOVERNED BY APPOINTED COMMISSION

Dublin, the capital of the Free State, was governed, from its foundation by charter of Henry II in 1171 until 1924, under a mayor-council form. The government of the city had been, for many years, a byword for corruption and incompetence. On May 20, 1924, the minister dissolved the council and vested the government of the corporation of Dublin in a body of three paid commissioners appointed by himself.

On July 4 of the same year, the minister appointed a commission of enquiry, known as the Greater Dublin Commission, to:

> examine the several laws and the practice affecting the administration of local and public utility services, including local representation and taxation, throughout the capital city of Dublin and the county of Dublin and to recommend such changes as may be desirable.

The commission was composed of twelve members, including prominent citizens, labor leaders, university teachers and politicians. It reported on July 7, 1926, and recommended, among other matters, that the manager-representative council plan be adopted in Dublin.

The adoption of the recommendations of the commission lies, not with the citizens of Dublin, but with the national legislature. It is expected that a bill dealing with the report will be introduced in the coming session.

THE METROPOLITAN AREA TO BE CONSOLIDATED

The report deals, at the outset, with the problem created by the agglomeration, immediately outside the existing municipal boundaries, of centers of population and industry enjoying an independent and uncorrelated existence as units of local government. The proposals dealing with this problem exemplify a general tendency in Ireland to enlarge the units of local government, disregarding parochial sentiment in favor of the economies to be derived from the unification of services over the extended areas.

The commission recommends the extension of the boundaries of Dublin to include certain outlying areas. The proposed extension involves an increase in the city's population from 304,802 to 425,692, or 39 per cent; an increase in the valuation from $5,141,455 to $9,407,400, or 82 per cent, and an increase in area from 13 to 64 square miles, or 392 per cent. The areas which it is proposed to annex are stated to be those which (1) have acquired, or are acquiring, a markedly urban character; or (2) have interests identical to, or indissolubly connected with, those of the existing city; or (3) owe their development to their propinquity to the city.

It will be noticed that the valuation of the incorporated areas is higher *per capita* (but lower per acre) than the valuation of the existing city. The present tax rate in Dublin is considerably in excess of the rates prevailing in the outlying areas.

Over the area to be comprised in the new city, there are at present some nineteen tax-raising and tax-spending bodies maintaining separate establishments of buildings, equipment and personnel. They occupy the time and energy of some 400 elected representatives in the uncoördinated handling of problems which are essentially the same over the entire area. These bodies discharge both policy-making and administrative functions.

In the scheme of government proposed by the commission, all these bodies cease to exist. Greater Dublin will have but one policymaking agency, the great council, and but one administrative agency, the city manager.

THE GREAT COUNCIL ELECTED BY P. R.

All the rights, powers and privileges of the dissolved Dublin council and of the various other local authorities which previously functioned within the area of Greater Dublin will be transferred to one body to be called the great council. Its duties will be to shape the civic policy, to fix the tax rate for all municipal services and to control the administration of the city manager.

The great council will consist of 65

members elected on a system of proportional representation as representatives of areas to be determined by law. Taking as its basis of distribution "population, acreage and extent of common services to be enjoyed," the report recommends an allocation of representatives in the proportion of 35 to the existing city and 30 to the annexed areas. This may justly be considered an over-representation of the wealthy, suburban voter.

Proportional representation is firmly rooted in the political system of the Free State. The "single transferrable vote" principle is the method of calculation invariably employed. The areas of representation in Greater Dublin will probably be small; the legislature is not likely to be led, by the objection that ward-elected councils do not represent the whole city and "at-large" elected councils do not represent the parts, into disregarding the lesson learnt in the attempt to elect a portion of the senate by proportional representation from a nation-wide constituency in 1925.[1]

The great council will hold office for four years. It will appoint a committee of estimates, consisting of nine members, to which the budget prepared by the manager will be submitted and a committee of accounts, of similar though not identical membership, to examine quarterly the manager's expenditure accounts.

No agreement was reached upon the question of the political leadership of the great council. In an obvious compromise, the report recommends the annual election by the great council of one of its own members to be chairman. He will be an ex-officio member of all committees and will be furnished with an office and secretarial staff and with "suitable accommodation for civic receptions and similar functions." The question of his remuneration was not decided.

[1] See H. F. Gosnell, *Am. Pol. Sci. Rev.*, XX, 118 (1926).

THE DISTRICT COUNCILS—APPOINTMENT OF CHARGES

Annexations of contiguous areas by county boroughs are, in the practice of English local government, usually accompanied by provisions securing the annexed areas a preferential tax rate for a period of years subsequent to their incorporation. No such provisions are made by the report. But the existing localization of certain services —which, however, must be considered temporary—and the desirability of preserving intact the principle "no service, no rate" over the enlarged municipality are provided for in a dubious expedient.

A classification is made of the services to be provided by the new municipality into those of common enjoyment over the entire city and those of limited local user. The former, which include public health and welfare services, main drainage, housing, water and electricity supply, road construction, fire protection and certain services connected with education, elections and the courts, are reserved to the great council. The latter comprise garbage, street cleaning and surfacing, lighting, markets and abattoirs, public baths and rest rooms and recreation facilities.

To provide for the local government of those services designated as being of limited local user, Greater Dublin is divided into two districts—one, called "Dublin," comprising the existing city and contiguous areas, mostly of a markedly urban character, the other, called the "Dublin Coastal Borough," comprising more outlying residential or semi-rural districts. The members elected to the great council as representatives of these two districts will

constitute respectively the Dublin Local Council and the Dublin Coastal Borough Council. Each local council, sitting separately, will consider annually the budget for its peculiar local services to be prepared and submitted to it by the city manager.

Although the sole power of levying taxes for all services, common and local, is vested in the great council, the commission seems to recommend that the great council should have no option but to levy the amounts required to finance the budgets passed by the district councils. Moreover, these subsidiary bodies will exercise independent control of the manager's administration of the local services. The proposal thus to subject the manager to the control of a federation or hierarchy of councils would seem to sacrifice a cardinal virtue of the American city manager plan—the simplicity of the relation which the immediate and direct responsibilty of the manager to a single council creates between them.

A CONTRAST TO THE AMERICAN PLAN

A brief comparison of the local government *milieu* in Ireland with that in the United States is necessary to explain the proposals of the commission relating to the city manager.

There is no municipal home rule in Ireland. The Irish city (or county borough), the most autonomous of the local government units, is limited as to its powers by statute and, to a great extent, controlled as to the manner of their exercise by the local government and public health department of the national government. The central authority, sharing the responsibility for both the policy and the administration of local affairs, thus enters, as a *tertium quid*, into the ideally simple relations of manager and council, making it impossible to fix upon them complete responsibility for their respective functions.

Again, Irish local government shows nothing corresponding to the popularly elected or politically appointed, short-term executive of the American city. His place is taken in Ireland by the permanent civil servant. The proposals of the commission relating to the tenure of the Dublin manager reflect the extent to which public confidence in his integrity and ability secures the Irish local official immunity in his dealings with his elected authority.

The condition noted in the last paragraph is likely to have important effects upon the operation of the city manager plan in Dublin. It is probable, for instance, that the ethics of the Dublin manager will be those not of a professional city manager but of a professional civil servant. He will execute unquestioningly the policies of his council, but he will probably exercise a much greater influence on those policies, without appearing to do so, than the school of American managers who act as community leaders and openly advocate political programs.

The reform of American government has proceeded on the principle of fixing political and administrative responsibility. The principle is sometimes lost sight of in the report. In fact, the confusion of responsibility is a formal defect of many governmental institutions in Ireland and England, which, however, owing principally to the character and ability of the civil service, is not apparent in practice.

In general, it may be said that, whereas in the United States the type of municipal life is dynamic and progressive, in Ireland it is static and conservative. A new spirit of enterprise and experimentalism was, indeed, displayed by the Dublin commissioners when they awarded a contract for cleaning the streets of Dublin to a

French firm and by the Free State government when they initiated the $30,000,000 Shannon power project, giving the contract to a German firm. But this spirit is still young in the Free State.

FIRST CITY MANAGER APPOINTED BY CENTRAL GOVERNMENT

The first city manager will be appointed by the minister for local government for a period of three years. Thereafter, the great council will make the appointments for successive renewable periods of seven years. No professional qualifications are required for the position beyond good education and proved capacity in municipal administration. The salary of the manager will be fixed by the minister and the great council may, with the minister's consent, grant a pension to the manager upon cessor of office not due to misconduct or incapacity.

The manager will be assisted in his administration by an advisory board composed of his department heads. They will be known as civic directors and will be responsible solely to the manager though not necessarily appointed or dismissible by him. A departmentalization of the civic administration is proposed under the heads of finance, municipal health, housing, supply and education. The advisory board will meet regularly and function as a coördinating agency. It is an important body in the proposed budgetary procedure, conferring upon the estimates submitted by each director for his department as a preliminary to the preparation of the budget by the manager and its submission to the committee of estimates of the great council. The commission's proposals, that the manager should be civic director of finance and that the minutes of the advisory board should be furnished regularly to the great council for their determination, must be deemed ill-considered.

The manager will be responsible to the great council for the "due and proper administration of the affairs of the city." But even the mild degree of accountability suggested by the phrase is likely to remain largely theoretical for lack of the machinery to effectuate it in practice. The great council cannot remove the manager. It may suspend him, but then only for "gross dereliction of duty." To remove him finally, written charges must be preferred and established against him at a public sworn enquiry. The immunity which public opinion grants the administrative official in Ireland and the effect of central control on local responsibility are curiously illustrated in the following passage of the report:

> Since there is herein recommended duality of function, the general control of administration resting with an elective council and the actual administration carried out by an official responsible to and removable by it, provision must be made both for an appeal on the part of this official against the council—which might properly be made to the minister—and for an appeal to the electorate by the great council, against adverse decision of the minister.[1]

So far as the great council is concerned, the manager will be absolutely independent in his control of the administration. Attempts on the part of the council or its members to interfere with his administrative acts, otherwise than by means of an investigatory procedure outlined in the report, will be punishable as misdemeanors. But in practice the manager will have to share the control of, and consequently the responsibility for, much of the civic administration with the local government department.

[1] Greater Dublin Commission of Enquiry, 1926, Pt. X, Section 57.

In connection with two important matters of administration—purchasing and personnel—the manager's powers will be very limited. Under the system of combined purchasing at present in operation,[1] he will have to purchase jointly with other local authorities from official contractors. As regards personnel, the commission recommends that the great council should fix salaries and make general rules, but that the powers of appointment, dismissal, promotion, etc., should belong to the manager to be exercised subject to the sanction of the minister and in accordance with "any statutory provisions that relate to appointments under local authorities." Under the existing law,[2] the appointment of all executive and professional staffs under local bodies is vested in a state-appointed civil service commission and the minister has a controlling voice in the removal of all officers.

The manager, as director of finance, will prepare the annual budgets for common and local services. The committee of estimates will meet in public session, previously advertised, and the manager will be present to afford all required information to taxpayers and representatives of citizen organizations. He must submit his expenditure accounts quarterly to the committee of civic accounts of the great council and he will also be subject to annual audit by the district auditor of the central department.

[1] Local Authorities (Combined Purchasing) Act, 1925; see Local Government and Public Health Department, Saorstat Eireann, 1st Report, 1922–1925, p. 148.

[2] Local Authorities (Officers and Employees) Act, 1926.

The form of government recommended by the commission is an "adaptation of the city manager idea to the special conditions in Greater Dublin."[3] The great dissimilarity between these conditions and those in, say, Cleveland, Sacramento or Kansas City, particularly with respect to the presence of state administrative control in one case and its absence in the other, has involved wide departures in structure from the model of the American charter. The Greater Dublin Commission may be said to have adopted the *animus*, if not the *corpus*, of the city manager plan. The extent to which the movement initiated by the commission is likely to spread may be estimated from the fact that since the publication of its report the two next largest cities in Ireland, Cork and Belfast, have taken steps to adopt some form of the city manager plan.[4]

To one who knew the intense nationalism of the Sinn Fein movement, the receptivity to outside ideas shown by the report is remarkable. It is avowedly based upon the "best experience of the United States, Germany and . . . Switzerland," but although other, especially German, ideas have influenced its conclusions, it proposes for Dublin the system of government which "has proved in the United States at once the most democratic form of municipal government and the most businesslike form of municipal administration."[5]

[3] Report, p. 2.

[4] *Irish Independent*, Jan. 7, 1928; Jan. 20, 1928.

[5] Report, p. 2.

ADMINISTRATIVE REORGANIZATION ADOPTED IN CALIFORNIA

BY JOHN F. SLY
Harvard University

The successive steps by which consolidation is being accomplished in California. :: :: :: :: :: :: :: :: ::

California continues to reorganize. The mass of isolated units that served as an administrative structure less than a decade ago has been slowly but methodically refashioned into a carefully integrated system, and recent legislation has capped the structure with a governor's council designed to bring balance and stability to the reformed framework. Even the unadorned record is impressive:

> January 1, 1919, one hundred and twelve independent agencies. By July 29, 1927, these had been reduced to fifty-four independent agencies and five departments. Legislation in this year effective July 29, 1927, left but thirty-eight independent agencies and nine departments coördinated by a governor's council. And proposals for 1929 leave but fifteen independent agencies and eleven functionally integrated departments.

For more than a quarter of a century the governors of California have emphasized the need of such a program. In 1899 Governor Gage was condemning "too many state boards and commissions with extensive lists of subordinate employees." Two years later he was warning the legislature against laws "creating unnecessary offices with their incidental charges against the state." In 1907 Governor Gillett complained that California was one of the most expensive states in the Union "with many commissions to care for, some of which seem . . . to be needless." Governor Johnson was increasingly emphatic. In his inaugural as well as in his first biennial message two years later he not only added his criticism but proposed improvements.

Interest, however, was moderate. The demands were for popularizing the political processes, and direct legislation, the recall, a more effective primary, county home rule, and the short ballot were the panaceas of the moment. But the governor found occasion to urge the appointment of numerous elective officials, to hint at the possibility of "a cabinet like the cabinet of the chief executive of the nation," to recommend a more centralized control of the state's attorneys, and in calling attention to five insane asylums, one home for the feeble-minded, and various reform schools and teachers' colleges, to urge the elimination of local boards controlling each, and the creation "of one centralized body."

Little, however, was done. A state board of control was created with the authority to supervise and in a measure to coördinate the financial affairs of the various administrative units. This was helpful, but inadequate. Overlapping and duplication of functions characterized the leading agencies. On June 30, 1917, there were reported one hundred and twenty-six officers,

boards, commissions, and bureaus in the state administrative service. Unofficial interests were aroused. The California Taxpayers' Association devoted numerous issues of its monthly journal to the question, and in January, 1919, prepared a detailed plan for reorganization. It proposed the functional coördination of the various state agencies, and prescribed certain principles to be followed: departments dealing with matters of policy should be controlled by boards; departments dealing with administrative and executive functions should be controlled by a single head; policy-making departments should be divisionally organized; the boards presiding over such departments should consist of the heads of the respective divisions; and all department heads and chiefs of division should be appointed by the governor and be responsible to him. The organization was to consist of twelve departments supervised by some fifty-two officers, in place of one hundred and twenty agencies and four hundred and sixty officers.

EFFICIENCY AND ECONOMY COMMITTEE

But Governor William D. Stephens was moved to official cognizance of conditions. In November, 1918, he appointed a committee on efficiency and economy consisting of eleven members to make a thorough investigation of "the administration of the state's affairs," and the result of its work was given to him the following March. Three recommendations were embodied in the report,—centralization of responsibility, coöperation of the larger organization units, and coördination of the various agencies. These principles were to be given effect through the creation of a governor's cabinet composed of departmental executives, by providing, in addition, an executive council of major administrative officers, and by placing in departments only those agencies performing similar or allied functions. Some seventy administrative units were grouped into ten departments, and a governor's cabinet provided composed of their respective heads.

The work of the committee was well done,—but fallible. Even the governor gave it only a moderate endorsement. Many services were exempt from the reorganization. Others were retained that seemed needless. Allocation of sensitive agencies caused criticism. And although separate bills urging some of the recommendations were introduced into the legislature (as well as one sponsored by the California Taxpayers' Association) only one,—providing a department of agriculture,—became a law. And the creation of this department was considered and treated largely as an experiment.

But the urgent need of economy was not to be so easily appeased. Early in 1921 Governor Stephens again sent a message to the legislature announcing the introduction of eight bills dealing with matters of governmental efficiency, and during the closing days of the session the measures were passed. These established five departments,—finance, labor and industrial relations, education, public works, and institutions, in addition to reorganizing the newly created department of agriculture. Sixty-three of some one hundred appointive administrative agencies were allocated to appropriate places in the new departments, about seventy-three appointments were eliminated from executive patronage and placed in the hands of administrative officers, and some sixty-one were changed to positions bearing advisory powers only.

But there were those who remained dissatisfied. The legislation was beneficial but still insufficient. In his inaugural address Governor Richard-

son gave a terse description of what he considered its inadequacies, and, under the authority of the constitutional budget amendment adopted the previous year, expressed vigorous disapproval through drastic cuts in requests for appropriations, even eliminating the funds of some activities altogether. Embarrassed state agencies sought relief in the courts to compel the payment of their bills, while in other instances the state controller enlisted legal aid to obtain sums for the general treasury collected by the agencies themselves. Relying on legislation, predating the budget amendment, providing more or less continuing appropriations, the agencies protested the reduction of these funds through the use of the executive veto. But the court held that while this former legislation was not, in general, affected by the budget amendment, still the governor's action expressed in a budget bill might "impose a limitation upon the amount of money available" to such agencies from such funds. The governor was vindicated, but state reorganization as a scientific problem received little impetus.

GOVERNOR'S COUNCIL CREATED

Such was the heritage of Governor Young. In his inaugural address of January 4, 1927, he reviewed the whole matter and presented his program,—the continuation of the work commenced eight years before. In response to this request the legislature took definite action. Over forty bills were introduced pertaining to various phases of state administrative reorganization, and the close of the session found important enactments among the chaptered laws. Perhaps the most significant was that providing for a governor's council to consist of the directors of the nine departments, which, both as previously existing and as created and reorganized under the new legislation, are finance, education, public works, public health, institutions, agriculture, industrial relations, social welfare, and natural resources. It is provided that at least once a month this group is to meet in Sacramento at such time and place as the governor may designate. Each member is required to report at the meeting acts pertinent to the administration of his department, and to perform such other duties as may be required from time to time by the governor. "Prior to the organization of this council," said Alexander R. Heron, the new director of finance and sponsor of the recent legislation, "over a period of many years, I doubt whether four or more of the state heads have ever got together round a table to talk over state business. . . . I hope to read in the papers next fall that 'there was a meeting of the directors of the business of the state of California.'" [1] And the project has begun. The council has held (December, 1927) four meetings. They were, indeed, genuine business meetings,—but open to the public. The directors of the various departments reported to the governor upon the public affairs intrusted to them, and conferred with him as well as with one another upon policies, plans for coördination, intelligent economies, and projects for future development. The members have apparently shown every willingness to coöperate in meeting common problems, and the experiment is received as a new departure in effective administration in California.

SUMMARY OF PROGRAM

The general principles that have guided the more strictly administrative

[1] Much of the material recorded here is due to the courtesy of Mr. Heron, who very kindly read the manuscript and made many important suggestions which, it is hoped, are correctly presented.

features of the program may be briefly summarized:

A methodical integration (extending over a period of ten years) of the state's administrative services, within unifunctional departments.

Each department to be in charge of a director appointed by the governor and serving at his pleasure.

Statutory divisions (as well as certain boards and commissions) to be generally provided; but except as otherwise required by law, each division to have only such duties as the director of the department may prescribe.

Additional divisions, bureaus or sections to be established or discontinued by the director with the approval of the governor.

Former boards and commissions abolished in the process of reorganization to have their duties transferred to appropriate departments, but these to be treated as departmental functions and not to be assigned by statute to a division.

The appointment of all division chiefs as well as all subordinate officers, whether serving immediately under the director or under the division, to be vested in the director, —except as otherwise provided by law.

THE STATE BOARD OF CONTROL

Aside from the provisions for a governor's council, the recent legislation has provided for a rearrangement of most of the old departments as well as for the establishment of others. A new state board of control has come into existence. Its personnel is now composed of the director of finance as chairman of the board, the chief of the division of service and supply of the department of finance, and the state controller. Its main duties at present involve the making of rules and regulations governing the presentation and audit of claims against the state for which an appropriation has been made or for which a state fund is available. The department of finance has, indeed, succeeded to most of its former functions,—in a way it is even a superior supervising authority. But the duties of the state board of control are, nevertheless, prescribed by law, and do not depend upon what the director of finance may assign to it.

The department of finance is under the direction of a director of finance, appointed by the governor at a salary of $10,000 a year. He is from time to time to visit and inspect the various state institutions, once a month he is to count the money in the state treasury, title to all real property acquired by the state is taken in his name, the investment of various state funds is under his charge, and he is *ex officio* member of several important boards. The department is divided into three divisions,—budget and accounts, service and supply, and motor vehicles, while in the manner indicated above, the state board of control forms an additional subordinate unit. It is the duty of the department to approve all contracts made by any state officer or department; to install and supervise a uniform system of accounting for all persons handling public moneys; to furnish the necessary supplies to the various state departments; to superintend the management of the state capitol building as well as other buildings devoted to similar purposes, and to supervise the printing work of the various departments.

The department of public works has likewise been reorganized. It is conducted under the control of a director appointed by the governor at a salary of $10,000 a year. Statutory requirements provide four divisions,—engineering and irrigation, water rights,

highways, and architecture; and section three makes provision for the California highway commission (formerly an independent body) to operate within the department. The five members of this commission are, however, appointed by the governor, and the statutes confer certain distinct functions upon it,—principally to budget the state's share of the gasolene tax for the construction and repair of highways. The department of public works has, moreover, had its duties further increased. A separate act transferred to it certain functions with respect to various ports (Eureka, San Diego and San José); and while no separate division to care for this work was specified, it is probable that the director will organize one. At present, however, the new work is simply treated as a separate function of the department.

NEW DEPARTMENTS

There is a new department of natural resources. It is also under the control of a director appointed by the governor at a salary of $6,000 a year. Four divisions are provided,—mines and mining, forestry, parks, and fish and game. The division of mines and mining is in charge of the state mineralogist. The state forester, appointed by the director upon nomination of the state board of forestry, is chief of the division of forestry. The chief of the division of parks is similarly appointed upon nomination of the state park commission. Both the state board of forestry and the state park commission are general policy-determining bodies appointed by the governor for the guidance of their respective divisions. The division of fish and game is administered by a commission of three appointed by the governor. The department succeeds also to the powers and duties of some eleven administrative units formerly operating as more or less independent supervisors, bureaus, boards and commissions.

The department of industrial relations is newly created under the control of an executive officer to be known as director of industrial relations, the position to be held *ex officio* by the chairman of the industrial accident commission, an official designated by the governor at a salary of $6,000 a year from the commission membership. The department is administered through the division of industrial accidents, and safety is to be controlled by the industrial accident commission,—three persons appointed by the governor for four years,—which is continued in existence. Within the division of industrial welfare there is created a commission to be known as the industrial welfare commission to consist of five members (at least one of whom shall be a woman) appointed by the governor for a term of four years, and section five of the act creates a commission of immigration and housing, consisting of five members serving at the pleasure of the governor, the commission to

> have power to determine policies for guidance of the department of industrial relations in all matters concerning the functions heretofore vested in the division of immigration and housing of the department of labor and industrial relations.

Two additional departments were established embracing social welfare and public health. The former is under the control of a director of social welfare and six persons appointed by the governor. The director is appointed by and serves at the pleasure of the governor at a salary of $4,000 a year; the others, similarly chosen for four years, serve without compensation. The act does not determine the divisions to be established, but pre-

scribes that the new department shall succeed to all the duties and responsibilities of the state board of charities and corrections, the department of public welfare, the executive board of the department of public welfare and the children's agents of the state board of control. The department of health is similarly organized under a board of health consisting of seven members, one of whom is known as the director of public health and serves as executive officer of the board. He is appointed by the governor at a salary of $6,000. The remaining members are similarly appointed for terms of four years.

There remain but three other departments,—agriculture, institutions and education. The department of agriculture is headed by the usual director appointed by the governor and serving at his pleasure. His salary is at present $6,000 a year. There is only one division provided by law,—the division of land settlement, but five others have been established,—animal husbandry, markets, weights and measures, agricultural chemistry and plant industry. The department of institutions is similarly directed. There are no statutory divisions, but its work includes the supervision of a dozen state hospitals and welfare institutions. The state superintendent of public instruction (elected by the people for four years with a salary of $5,000) is *ex officio* director of the department of education and a member, therefore, of the governor's council. Statutory provisions require four divisions in this department,—that of libraries, of school planning, of textbooks, certification and trust funds, and of normal and special schools. There is also, at present, a state board of education consisting of ten members appointed by the governor (subject to confirmation by a two-thirds vote of the senate) holding office for four years and serving without pay. The division of textbooks, certification and trust funds is under its control. In addition it administers the teachers' retirement fund, adopts rules and regulations for the conduct of public schools, and prescribes courses of study for the various state teachers' colleges. A recent constitutional amendment (Senate Constitutional Amendment 26) to be submitted to the voters at the next general election proposes the abolition of the elective superintendent, the appointment of a director of education to hold office at the pleasure of the governor, and a reorganized board of education.

SURVIVING ELECTIVE AND INDEPENDENT AGENCIES

The program is not yet complete. Plans for 1929 provide two additional departments,—professional standards and commerce. The former will consolidate some sixteen boards now operating as independent units, such as the board of accountancy, board of bar examiners, board of barber examiners, board of cosmetology, detective license bureau, etc., and the latter will embrace the various functions of banking, insurance, building and loan supervision, corporations and real estate. If the program succeeds, the administrative services of California will be reduced to eleven elected officials,—governor, lieutenant-governor, secretary of state, four members of the state board of equalization, the controller, treasurer, surveyor-general, and attorney-general; fifteen independent agencies, including a legislative council bureau, civil service commission, advisory pardon board, railroad commission, and veterans' welfare board; eleven departments comprising some ninety subordinate units; and a governor's council of eleven members.

MUNICIPAL LAND POLICIES AND THEIR APPLICATION TO CITY PLANNING AND HOUSING

BY THOMAS L. HINCKLEY

European cities are much advanced in the formulation and execution of land policies. Through ownership of land directly, as well as by regulation of private parcels by means of zoning and planning, future development is controlled. :: :: :: :: :: :: ::

It may as well be admitted at the outset that a definite municipal land policy—meaning by this a plan or program governing the acquisition of land for general municipal purposes—probably does not exist in any American city. School boards, water commissions, park boards, and the like are, it is true, constantly acquiring land for their own specific purposes and are frequently very successful in their efforts; but the purchase of land for general public purposes—which may or may not be defined at the time of purchase—or the coördination of the land policies of the various boards and commissions in a general policy for the entire city—is something of which the writer, after considerable inquiry, has been unable to discover an instance.

Even where city plans have been adopted, and the purchase of land is envisaged as part of the scheme, it cannot be said that land policies exist; for the acquisition of land is in this case incidental to the working out of the plan and does not constitute a major municipal function as should be the case. Zoning, which regulates the use of land, may simplify the problem of what land to purchase for public purposes but is not concerned with any method of procedure in this connection.

There are, of course, obvious reasons why a definite land policy—"land-planning," to borrow from Miss James[1]—has not become an important factor in American municipal administration. Our city governments have grown up under a system of private initiative which has largely subordinated municipal needs to the requirements of business development. The powers of condemnation which cities possess have been used sparingly and with the utmost consideration for the private owner; and it is quite possible that the conception of urban land as a field for public investment, to be bought with the express purpose of directing or regulating municipal growth, has rarely entered the minds of our municipal authorities.

This absence of a concrete land purchasing program or policy has prevented the accumulation of desirable plots or parcels while prices were cheap, with the result that cities usually pay "through the nose" when the need for land becomes imperative.[2] It has also worked to the disadvantage of cities in

[1] Harlean James, *Land Planning in the United States.*

[2] Every city has had its petty land scandals, and no later than last July the comptroller of New York City was reported to have asserted that the metropolis had paid for school sites and other plots anywhere from three to five times their assessed value!

permitting sporadic developments and encouraging disastrous land booms from the effects of which years are required for recovery.

Foresight and judgment in buying land for ultimate public use will realize economies over a term of years which the most casual citizen can appreciate. Real property values in our cities are almost doubling every ten years, at least one-third of this increase being estimated to be due to land; [1] so that on the average all urban land pays for itself within thirty years. Examples of individual plots which have doubled in value within a year's time are, of course, common.

EUROPEAN THOUGHT SINCE THE WAR

In Europe a proper policy with respect to the acquisition of public land is considered to be most important. The International Union of Cities in 1925 sent a questionnaire on this subject to its membership; and among the conclusions reached were the following: [2]

> Every community owes it to itself to adopt a systematic land policy, with the purpose in view of encouraging desirable development, improving the housing situation and bettering means of communication.
>
> The city, in order to pursue a satisfactory land policy, will need to own sufficient public land to control, through its location and amount, the trend of future extensions and at the same time to permit the municipality to exercise its influence on the selling price of building land.
>
> The city should try to secure title to serviceable land in time to avoid paying more than the agricultural price.
>
> The city, through its land policy, should prevent the illicit boosting of land values by offering at any time to dispose of its own land for building purposes.

No student of municipal economy can read these conclusions without realizing how far the exigencies of post-war readjustment have carried the cities of Europe away from the basis of unrestricted private initiative. That this trend towards community control of land within a city's boundaries applies not only to the more "radical" Central European states—whose cities have generally upheld the supremacy of the public welfare—but also to countries conservative in temperament, may be seen in the following quotations from the British reply to the questionnaire of the International Union of Cities. In his reply on behalf of the British municipalities, Dr. I. G. Gibbon, principal assistant secretary of the ministry of health, states:[3]

> The general rule has hitherto been that local authorities are authorized to acquire land only if it is needed for the carrying out of their duties or powers. During the past few years there has been a marked change of opinion, and Parliament will now authorize any large town to acquire land for the general good of the community. . . .
>
> This action of Parliament is an index of the change of public opinion. Whereas formerly it was almost taken for granted that land would be developed to the best advantage of the community if it were held in private hands, there is now felt to be a distinct advantage in the ownership of land, in some measure at least, by the local authority, with the consequent control of local development.
>
> This change of view . . . has also been caused in part by the growing demand for communal development in the general interest of the community and the feeling that this control is facilitated if the land is owned by the local authority.[4]

[1] *Cf.* U. S. Census Reports, "Financial Statistics of Cities, 1915 and 1925." The actual reported increase for the period is $24,703,296,157.

[2] These are conclusions nos. 1, 3, 4 and 6 of the Committees' Report—prepared for the 3rd International Congress of Cities, Paris, 1925.

[3] See pages 30–35 of the Committee's Report.

[4] It is only fair to say that Dr. Gibbon later characterizes this tendency as a swing of the pendulum rather than a permanent factor in English municipal economy; nevertheless, it would appear that the "swing" will be of considerable duration.

Further light on the subject of municipal land policies in European cities is cast by the report of the International Housing and Town Planning Congress held at Vienna last year. In this report Sir Theodore Chambers, chairman of Welwyn Garden City, speaking of planning in built-up urban areas, is quoted as follows: "It is clear that if anything practical is to be done in this generation towards the improvement of congested areas much wider powers should be granted local authorities to acquire the interests that stand in their way."

Gustaf Linden, architect of the Royal Swedish Building Board, after describing how the city of Stockholm acquired a tract of land three times the city's original area in order to make sure of proper future development, stated: "As long as there are possibilities of obtaining land with full (private) ownership, this is considered best. On the other hand, the towns themselves realize more and more the advantages of retaining ownership (in the land) thereby utilizing their right over this land to create adequate and beautiful plans and cheap dwelling houses."

Ernest Hein, chief building inspector of Vienna, after stating that the Austrian capital owns 28 per cent of all land within its borders—exclusive of streets and public plazas—announced that Vienna is fully "sold" on the value of a sane community land policy and will never again relinquish any of its real estate holdings, although it may be willing to use certain parcels as make-weights in negotiating for other property which it may consider more valuable from a public standpoint.

Undeniably, the European demand for the acquisition of excess land by the community and its use in controlling development, combating high prices for real estate and providing housing accommodations for the mass of citizens, is born of a bitter post-war experience which is in no apparent danger of being repeated in this country. Nevertheless, just as city planning—long a "European conceit"—has now achieved a leading place in American municipal economy—so it is well within the bounds of possibility that the necessity to buy up excess land in the public interest, to curb speculation in urban land values—and even to engage in housing—may ultimately come within the purview of our city governments. Indeed, housing is already a municipal issue in New York and is doubtless receiving official attention in many another large city.

WHAT SHOULD BE THE AMERICAN POLICY?

Assuming the possibility of conditions approaching in kind, if not in degree, those which have forced aggressive land policies upon European cities, what should our own cities do to prepare for them?

It would seem that there are at least four essential conditions which must be met before any city can contemplate a definite policy as to the acquisition of land for general municipal purposes; viz:

1. There must be a city plan;
2. The city must have power to acquire not only the land called for by the plan, but other tracts and plots as well, if their ownership by the city can be shown to be in the public interest;
3. In the special contingency of housing, the city must be free to sell or lease its surplus land to licensed housing corporations;
4. There must be provided a definite authority to administer the city's land policy.

The City Plan

First, as to a city plan. It cannot be said that any city which has not at least gone the length of forecasting its future physical needs is in a position to adopt a land policy. The city plan will indicate land which must be acquired to provide schools, parks, airports, playgrounds, parking space, miscellaneous public buildings, etc. It may include the designation of tracts desirable for housing purposes and of central slums which must be abolished and re-planned. It may also point to land outside present boundaries which should be purchased in the public interest. No matter how classified, all land transactions entering into the city plan form at once a basis upon which to formulate the city's land policy.

The financial counterpart of the physical plan must likewise be worked out, otherwise the city may embark upon costly betterment schemes without being properly prepared to finance them. Lack of such a coördination of physical and financial planning has frequently been charged against city plans of otherwise unquestioned merit.

Purchase of Excess Land

If the city is limited to the power of acquiring only such land as its official plan calls for it may handicap itself when conditions change, and revisions are in order. There is also an obvious business advantage to be gained in not specifying in advance all land desired for municipal purchase. Thirdly, as is stated in the general conclusions of the International Union of Cities, the possession of excess land may be necessary in a crisis to combat injurious speculation in land values,—although this will require a greater measure of home rule than most American cities now possess.

Housing

In the matter of housing we are, as already noted, discounting the future. It may be many years before any but our greatest and most congested centers will devote any attention to this problem. When it does come, however, it will conceivably be better to follow along the trail already blazed by the New York state housing law—which provides for licensed, limited-dividend housing corporations—rather than to set up municipal housing departments. Public housing is at best a complicated business and American city governments usually have sufficient troubles of their own without adding to them those of municipal landlord and renting agent!

Organization

The importance of land administration in at least our larger cities would seem to justify a separate controlling body, operating in conjunction with the planning authority, to interpret the city's development in terms of land. When many cities, to judge from some of the replies to the writer's inquiry, do not at present know how much land they own, the need for conserving municipal property is evident, to say nothing of obtaining good counsel in the acquiring of additional real estate.

The men chosen to perform this function will of necessity have to be above suspicion of personal motives—outstanding citizens in every respect. Although payment for expert advice in the selection of land for purchase must doubtless be permitted, the general experience of American cities indicates that the best results will be realized through the appointment of men of such calibre that they will not need to be compensated for their services.

As to the ability (or the desirability, for that matter) of American cities to formulate and pursue a consistent policy in the purchasing of land for general municipal purposes, opinions will naturally differ. To some it will seem an undue extension of municipal powers to let cities "get into the land business" even to the degree intimated, and only when it can be shown to be in the public interest to do so. To others it will seem like locking the barn door after the horse has been stolen to authorize cities to buy excess land when the most desirable plots have all been occupied,—and very likely there are cities where a municipal land policy would be of limited application. Finally, there is always the possibility that those influences which have hampered American civic progress in the past—lack of home rule, changing personnel in the administration, and party politics, to mention but a few—will do so in the future.

On the other hand, the physical, financial and social benefits to be derived from the timely and judicious buying of land—within limits—for ultimate public use—or merely to strengthen the public's bargaining power—are undeniable and have, it is hoped, been clearly outlined here. Municipal land policies are not only practicable but are actually in operation in many important European cities; they are feasible in any city whose citizens will forego a modicum of private gain on behalf of the general welfare.

NOTE.—It had been my hope to present, in connection with this article, a comparative table showing, for the leading cities of this country and Canada, as well as for the more important European cities, the amount of municipally-owned land and the purposes to which it is devoted. While considerable information was obtained from various sources, some of it direct, the material is, on the whole, so fragmentary that a worth-while comparison of this nature is out of the question. But it must be said that as far as usable data were received the evidence was to the effect that the cities of the Old World own or control a great deal larger percentage of their total area than is the case with us. Eighteen German cities own on an average 27 per cent of their respective areas, while in Finland, due to ancient usage, 36 cities and towns own on an average 88 per cent of their areas! Manchester, Sheffield and Bristol in England own collectively about one-sixth of their combined areas, exclusive of land leased and land outside the city boundaries. The city of Zurich owns considerably more than half of its own area; Budapest owns 15 per cent of its area; The Hague nearly 16 per cent; Utrecht 24 per cent, etc.

RECENT BOOKS REVIEWED

PRINCIPLES OF PUBLIC ADMINISTRATION. By W. F. Willoughby. Washington. Publications of Institute for Government Research, 1927. Pp. xxii, 720.

It is fitting that the series of valuable descriptive monographs issued by the Institute for Government Research, under Mr. Willoughby's direction, should include also a general discussion by him of the principles of administration. The book is divided into four main parts:

General Administration and Organization
Personnel
Matériel, including supplies and their purchase
Finance and Accounting

The first part deals with problems of most general interest and shows at its best the author's broad grasp of scientific realities in administration. He favors the "integrated" basis for administrative departments. This groups together all services whose operations fall in the same general field and must therefore maintain working relations with each other. These services are provided with a single supervision to assure that they work harmoniously towards a common end.

While the national government has generally followed this principle in an approximate way, the states are only recently beginning to do so. The integrated system makes possible greater simplicity and a clear cut program. It is the lack of an administrative program which has weakened most departments.

In adopting the integrated plan, one of two principles may be followed. Services may be grouped together according to their activities (such as statistics, chemistry, photography) or according to the general functions of government activity such as railway regulation, public health, etc. The first of these is scientifically wrong, yet it has been adopted as the basis of many recent proposals for reorganization. The second method involves an analysis of the functions of government activity and a grouping of the services required by each of these functions into separate departments. This does not mean that each department shall duplicate the activities of other departments.

If the Indian service is organized on a functional basis, it will not be under an interior department or a department of public works, yet when it requires the construction of public works, it can call upon that department for the erection of buildings, etc. The facilities for research possessed by a department of education could be utilized by any branch of the government which required work of that special character. The author distinguishes between ordinary administrative services which merely carry out the law and those which are of a quasi legislative, judicial or other special character. The departmental principle should be applied only to the administrative units.

Each department should have one general function, and one only. This will necessarily increase the number of departments which, however, is not an important evil.

For the national government the author endorses the Institute's proposal of departments, as follows:

State	Commerce
National Defense	Labor
Treasury	Public Works and Public Domain
Justice	Education and Science
Post Office	Public Health.
Agriculture	

Inside each department, the author proposes the separate grouping of what might be called the housekeeping or purely institutional activities as contrasted with the functional or primary activities of the department. He favors the establishment of a bureau of general administration to aid the president in acting as general manager.

In considering the bureau type versus the board or commission type of organization, the author points out that if the duties to be performed are not primarily administrative, but rather the exercise of discretion in the formulation of policies, the drafting of rules and regulations, the adjudication of claims, there is ground for a board or commission, but where the work is chiefly administrative, the bureau type, under a single official, is desirable.

Boards and commissions have been more successful in the national government than in the states, because in the former their work has been of the nature of general control and re-

search, while in the state systems, they have been given much administrative work besides. The failure of the states to provide adequate safeguards by civil service rules has also embarrassed and hindered the effective organization of the state boards. The author points out, in an interesting way, the value of advisory councils in keeping the heads of government administrative services in contact with the private interests and organizations concerned. Such councils should be advisory only and should have both government and non-official members, the latter representing outside interests.

Under Personnel, the author discusses various systems—the Bureaucratic, the Aristocratic and the Democratic types.

If the democratic can be so safeguarded as to escape politics and to include technical and efficiency considerations, it is preferable. The aristocratic system assures that all positions of superior importance will be held by men of a broad liberal education. It however closes the door to advancement from the lower ranks and is to that extent weak. There is adequate discussion of the classification of positions, the recruiting of personnel, promotion and dismissal and the organization of a personnel administration together with retirement systems and employees' organizations.

Under Matériel, the author considers specifications and their standardization, purchase and contract forms, organization of the supply division and central purchasing.

The final part on Finance is also extremely valuable and suggestive although the work here has been largely foreshadowed by preceding works. The author discusses the budget, its drafting, form and contents, legislative action upon it and its execution. He points out the administrative authority which is concentrated in the executive by the budget system. He also sketches the systems of collection, custody and disbursement of funds, accounting methods, the data required and expenditures. A final chapter deals with legislative control of finances and their audit. There is an excellent classified bibliography and an inadequate and useless index.

Mr. Willoughby's work will rank as the authoritative American treatment in the theory of administration. It is comprehensive, clear, scientific and based on a broad foundation of data. It is the ripe product of an intelligently organized and extensive system of research and it places American administrative science on a plane with the great European treatises in this field.

It would be most fortunate if this remarkable work were followed by a series of monographs on special parts of the field, such as regional administration board and commission management, budget administration, advisory councils, etc., and if in each of these, the admirable method set forth by Mr. Willoughby could be followed, viz., a discussion of the types now existing, the scientific principles by which they should be measured and the revision of the present types to conform to these principles.

JAMES T. YOUNG.

✱

MUNICIPAL AND RURAL SANITATION. By Victor M. Ehlers and Ernest W. Steel. New York: McGraw Hill Book Company, 1927. Pp. xi, 448.

In this volume, the authors have undertaken to present an outline of principle and practice in municipal and rural sanitation for ready reference purposes. They have succeeded admirably and, although their treatment of many problems of public sanitation is necessarily brief, their work may rightly be regarded as a worthy contribution to the literature on this subject. In fact, its very brevity makes it particularly well adapted to the needs of "the health officers, the sanitary engineers, city managers, and other officials who are frequently called upon to deal with problems and emergencies which require a knowledge of sanitation."

The book is comprehensive in scope, although giving somewhat less space to industrial hygiene, smoke abatement, and public comfort stations than seems desirable, at least to the reviewer. The chapters on excreta disposal, refuse collection and disposal, water supplies, food sanitation, fly and mosquito elimination, plumbing, ventilation and lighting are excellent summaries of present-day knowledge and approved practice. The authors devote considerable attention also to the sanitation of tourists' camps and swimming pool sanitation, neither of which subjects has up to this time received adequate attention by writers of general works on sanitation.

A feature of the book which strikes the reviewer as particularly helpful is the inclusion of chapters on communicable diseases, vital statistics, disinfection, and health organization.

The authors have apparently taken the position, and rightly so, that the reader ought to have clearly in mind the objective of all sanitary work, namely, disease prevention. Accordingly, they have set forth the essential facts about the causes of communicable diseases, the methods of destroying disease producing organisms, the use of vital statistics as a means of measuring sanitary accomplishment, and the type of public health organization best suited to the sanitarian's purpose.

The book is extensively indexed and furnished with a well selected bibliography. As a reference handbook it leaves little to be desired and its use is recommended to all interested in the betterment of environmental conditions in their respective communities.

C. E. McCombs, M.D.

Landscape Architecture—A Series of Letters. By Stephen Child. Stanford University: Stanford University Press, 1927. Pp. 279.

To the modesty of the author we owe the unusually attractive form of this first adequate presentation of the wide scope and range of problems of the professional landscape architect of today. To quote from his own foreword:

Nearly twenty years' experience in the West, particularly the Southwest, and on the Pacific Coast have but served to emphasize in the author's mind the unrecognized possibilities of the profession and art of landscape architecture, and the genuine need in this great region, perhaps elsewhere, for a clearer interpretation of its ideals and principles. City, suburb, and country-side reveal to the seeing eye not only many unhappy examples of the misdirected zeal of the "improver," the nurseryman, and the amateur—homes robbed of their inherent charm, an appropriate natural beauty—but also, fortunately, countless more opportunities not yet lost. . . .

Current literature on the subject is unfortunately often either a mush of enthusiasm or a kaleidoscopic whirl of half-formed ideas, or perhaps too technical to be readily understood by the average man, and therefore withholds the leaven that should enrich every life and home. The aim of this book is to set forth those principles known to everyone in the profession, so clearly and simply that they may be readily understood, and at the same time to emphasize the art impulse behind it all.

To this end twelve typical problems are discussed in a series of letters. These are the idealized correspondence of a landscape architect with his client, a representative American, whose successive opportunities are those of a modest home-dweller who at length becomes a city-planning commissioner. At the beginning of each letter the fundamental elements of landscape design applicable to the type problem are set forth in logical order, free from technicalities; these are given authority by quotations from the masters and are then applied to the specific example.

It is realized that conditions, personal, physical and financial, are so varied that one example, however typical, cannot solve even a simple class of problems, such as the suburban home and its garden, for instance. However, it is the purpose of the book neither to instruct the prospective practitioner completely nor to give the reader free rein; but rather to stimulate interest, to check unbridled enthusiasm, directing it into helpful channels, and to impress upon the average intelligence through a clear statement of basic principles the fact that art influences govern; to demonstrate, moreover, that the services of the landscape architect are co-equal with those of the architect, and that true economy for the setting of the simplest home depends upon art principles and is furthered by professional advice.

In all this, Mr. Child is eminently successful. While his examples are drawn largely from California, the application is to American conditions generally. Both the professional landscape architect and the discriminating public are to be congratulated on being brought into closer understanding through the medium of Mr. Child's "Letters."

Arthur C. Comey.

Financial Statement: Issued to the People of the State of New York, Including a Comparative Statement of Appropriations, 1917–1927. By Governor Alfred E. Smith, August 1, 1927. Pp. 23.

Progress of Public Improvements. A Report to the People of the State of New York. By Governor Alfred E. Smith, October, 1927. Pp. 127.

These two statements on the financial operations of the state of New York are presented for the consumption of the man on the street. Governor Smith in clear and forceful language explains in the one instance the operations of the general fund; in the second instance in a profusely illustrated report (80 pages of illustrations) he

tells the story of the permanent public improvements of the state in the last four years and the status of these improvements recently completed or still under way. In the first report the governor compares the governmental costs of 1927, first with the governmental costs of 1926, and second with the governmental costs of 1917. In the two cases the governmental costs show a considerable increase for 1927. Increased expenditures for education and highways are the major items that account for the increased costs. The state is to be commended, however, for meeting these costs out of the general fund without resort to any revenues derived from bond issues.

In the second report the governor comments on the state policy as to long term improvements. "I have insisted," he states, "and have so far been successful in securing the adoption of a policy that puts the proceeds of the sale of the state's bonds only into lasting improvements. By that I mean to say that practically all overhead expenditures connected with the work of construction are today paid from current revenue. All equipment for new buildings, whether they be prisons, schools, hospitals or other structures, is paid for from current revenue. Bond money goes into nothing but actual construction and in some instances the purchase of land." The statements of facts and illustrations supplementing the governor's introductory comments make out a convincing case in behalf of the present public improvements policy of the state of New York. It is regrettable that the grade crossing elimination program has been getting under way so slowly, although the governor feels that the progress will be more rapid in the near future. These two reports are intended primarily as an answer to the governor's critics who have been wont to talk glibly about increased costs of state government as resulting from the governor's administrative inefficiency and unwise financial policy.

MARTIN L. FAUST.

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INTRODUCTION TO GOVERNMENTAL ACCOUNTING. By Lloyd Morey. New York: John Wiley and Sons, Inc., 1927. Pp. 285.

This book sets forth in clear and logical form the essentials of governmental accounting. It is just what it purports to be, an "Introduction" to the subject and avoids, that which is almost inescapable in this field, the innumerable exceptions, legal restrictions and impediments which immediately spring to the mind of the practitioner in specific cases, to set at naught sound principles and logical procedure.

There is sufficient explanatory matter to establish the use of the various accounts and statements before taking them up in detail. The budget, with its supporting accounts and statements, the various funds (including working funds), revenues, receipts and disbursements are all logically grouped and separately treated. The final chapters deal with the consolidated balance sheet, classification of expenditures and financial reports. Illustrative journal entries and ledger accounts supplement the text in the most approved manner.

Some fifty forms are interspersed throughout the book, which may be taken as guides or adopted in part or as a whole by the accountant. The text is further supplemented by fifty-three problems. This feature is highly desirable when the book is to be used in the classroom, for which purpose it is excellently adapted.

The author believes, and will find many municipal accountants who will agree with him, that the segregation of funds and proprietary accounts accomplishes no real purpose and, in the interest of simplicity, the distinction between these two groups of accounts should be eliminated in public accounting. His treatment of the affected subjects is guided by this thought.

The principles expounded are not revolutionary but are rather, in concise form, a restatement of those fundamentals which have stood the test of practice.

The book should be welcomed by those seeking a groundwork in governmental accounting fundamentals and may also be studied and used with profit by those engaged in the practice of this special branch of accounting.

A. M. LANDMAN.

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OUTLINE OF UNIFORM SYSTEM OF ACCOUNTS FOR MUNICIPALITIES AND HANDBOOK FOR MUNICIPAL OFFICIALS. By Walter R. Darby, Commissioner of Municipal Accounts. Trenton, New Jersey. Pp. 108.

This is a technical treatise in the form of a handbook which outlines for municipal officials and registered accountants dealing with municipal affairs a uniform system of accounts for New Jersey municipalities. The first plan outlined is a plan dealing with the current group

of accounts. This plan is based on the use of cash books, journal and ledger, and is the simpler plan for officials familiar with double-entry bookkeeping and the use of a journal. A second plan outlined in the handbook deals with the trust and capital division of municipal accounts. It is the opinion of the commissioner that the procedure presented will meet the requirements of the municipality with 50,000 population just as completely as it will the municipality of 5000, or even 500 population. The explanations which set forth the necessary details for the installation and operation of these two plans should prove useful to municipal officials desirous of improving their bookkeeping and accounting methods. The plans do not seem unduly complicated. An additional feature of the handbook is the inclusion of a model set of working papers for municipal accountants.

MARTIN L. FAUST.

✻

Town Planning is the Technique of Sociology.—This is a quotation from an address by Noulan Cauchon, printed in *La Revue Municipale*, Montreal, for December, 1927,—"Edition Speciale d'Urbanisme"—and typifies the point of view of the City Improvement League of Montreal, under whose direction it was prepared. Throughout this well-illustrated popular report of 140 large pages the strong emphasis is on social welfare, towards which engineering and other sciences and arts and economics itself are properly aimed as means of its attainment and not as ends in themselves.

The bilingual character of the report adds to its interest, particularly as the English and French sections are not translations the one of the other, though broadly traversing similar ground.

To an inhabitant of the United States one phrase, the "homologated line," smacks of strangeness, until he finds that it refers to "a line placed upon certain territory which the city wishes to acquire at a later date. Land affected by this servitude cannot be used for other purposes, except as a temporary measure, as the owner is always liable to expropriation at some future period."

The League hopes, as a result of its endeavors, summarized in this report, that important legislation will be enacted filling out gaps in town planning powers and that official city planning will now take up the burden thus far carried by private initiative. The document is of value to those outside Montreal for its popular presentation and particularly as exemplifying the effective popular appeal of emphasis on social welfare.

ARTHUR C. COMEY.

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General Bonded Debt of the city of Buffalo, N. Y., with the plan of liquidation at the least cost to the taxpayer is a report presented to the commissioner of the department of finance and accounts in October, 1927, by the Buffalo Municipal Research Bureau. It includes an analysis of all debts except the water debt which was covered in a separate report issued earlier in the year. A detailed plan for paying for the bonds is recommended accompanied by tables setting forth the facts and recommendations in tabular form.

E. C.

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Administration of Private Social Service Agencies, by W. W. Burke of the faculty of the graduate school of Social Service Administration of the University of Chicago, is a topical bibliography prepared for the use of graduate students. It is a reprint from the March and June numbers of the *Social Service Review* of 1927 with a supplement which not only brings it up to date but also adds additional material of an earlier date. It is very complete, and should be useful in its special field.

E. C.

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Consolidated Building Code, Greensboro, N. C.—The city of Greensboro, N. C., has issued a consolidated building code containing in one volume the city's building, electrical, plumbing, and zoning ordinances. A handy size, five by seven and one-half inches, has been adopted and the volume is well arranged for easy reference. The zoning map of the city is folded into a pocket inside of the back cover.

C. A. H.

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Report of the Geodetic, Topographic and Block Survey, Greensboro, N. C.—In order to obtain information which the city did not have for effective city planning, Greensboro, N. C., had a complete survey made of the city. The several phases of the work are described in the report and the uses of the data are explained. Much of the report consists of survey records but the discussions are of general interest.

C. A. H.

JUDICIAL DECISIONS

EDITED BY C. W. TOOKE
Professor of Law, Georgetown University

The City's Liability on Street Improvement Bonds in Iowa.—A recent decision of the Supreme Court of Iowa, holding a city liable for the issuance of street improvement bonds, will no doubt act as a warning to municipalities in this state in the issuing of such bonds in the future.[1] The Iowa law authorizes cities and towns to assess the cost of street improvements against property subject to assessment therefor, and the council is empowered to issue bonds for the amount of the assessed cost or any part thereof in anticipation of the deferred payment of the assessments.

The statute prescribes the form in which such street improvement bonds shall be issued, which among other things must contain the statement:

> It is hereby certified and recited that all the acts, conditions, and things required to be done, precedent to and in issuing this series of bonds, have been done, happened, and performed, in regular and due form, as required by law and said resolution, and for the assessment, collection and payment hereon of said special tax, the full faith and diligence of said city (or town) of —— are hereby irrevocably pledged.[2]

It is also provided that

> Such certificates, bonds, and coupons shall not make the city liable in any way, except for the proper application of said special taxes.[3]

Many cities have found, for one reason or another, that there was no money in the special fund to pay the principal and interest on the last bonds in the series. Cities have usually contended that they were not liable under the statute for indebtedness incurred in this manner.

On December 13, 1927, the Supreme Court of Iowa passed upon this question in a test case which involved four different street improvements' bonds of the city of Des Moines. The court reaffirmed a previous decision that a "city can render itself liable if in breach of the terms of the bond it wrongfully fails to perform its duty and its pledge pertaining to the assessment and collection of the special tax by which the special fund is to be created,"[4] and the court further held that while these street improvement bonds did not of themselves create an indebtedness of the city, they did, however, create an obligation of the city to perform certain statutory duties in the levy and collection of special taxes for the payment of the bonds. "The liability of the city," said the court, "arises out of the breach of the obligations of the bond. The cause of action of the bondholder is in the nature of damages for such breach. The measure of his damages is necessarily the unpaid amount of the bond which has been rendered uncollectable by the wrongful breach. In view of the fact that the measure of damage is specific and is identical with the amount of the bond, the distinction between an action *on the bond*, and an action for the breach of it, becomes a mere matter of words."

Four different bonds were involved in this case:

1. Payment on the first bond had been refused by the city treasurer on the ground that there was no fund out of which it could be paid. The court held that it was the duty of the city to provide by special assessment a fund sufficient to pay the bonds and the interest on them.

2. In the second bond it appeared that provision had originally been made for special assessments sufficient to pay off all the bonds in the series, but that certain property owners assessed successfully prosecuted appeals in the district court, which materially reduced the anticipated collections for the special assessment fund and thus made the plaintiff's bond uncollectable. The court held the city at fault for not making up the deficiency by reassessing the amount of such depletion against the abutting property. "Its duty at this point," said the court, "was no less than its original duty to make an assessment adequate to the payment of the bonds."

3. In the third case a bond for $200 was rendered uncollectable because certain property owners had failed and refused to pay their

[1] *Hauge* v. *City of Des Moines*, 216 N. Y. 689.
[2] *Code of Iowa*, 1927, Sec. 6114.
[3] *Ibid.*, Sec. 6123.
[4] *Fort Dodge Electric Co.* v. *City of Fort Dodge*, 115 Iowa 568.

assessments and the county treasurer had failed to collect the same by tax sale for want of a bidder. Here the court held that the city had wholly failed to exercise its statutory power in the making of such collections and had breached its pledge of good faith and diligence to that end. The city could have bid in the property and thus enforced its lien.

4. The fourth bond was the last in its series, which could not be paid for lack of funds, because the assessments on certain properties were in excess of 25 per cent of their value. Some of the owners refused to pay the tax, and the county treasurer found no bidders at tax sale, but at an adjourned tax sale the properties were sold for less than the amount of the tax, thus making the deficiency in the fund. The court made quick work of this case, declaring that if the assessment had been confined to 25 per cent of the value of the property, as provided by law, the full amount of the tax could have been collected by tax sale.

In the light of this decision there seems to be nothing for the cities which have defaulted on public improvement bonds to do but to accept their liability. The *American Municipalities* for January, in commenting upon this decision, seems to imply that cities would be better off if they issued "certificates" instead of bonds. In view of another recent decision of the Supreme Court of Iowa in the case of *Western Asphalt Paving Company* v. *City of Marshalltown*,[1] it would seem that there is little opportunity for a city in this state to escape its liability for either bonds or certificates issued in payment of public improvements. This is, no doubt, as it should be, and these decisions should serve as a warning to city councils and the taxpayers alike that when public improvements are undertaken which are payable by special assessments upon the benefited property, the greatest care must be exercised to make sure that the property assessed will be able to pay out. When the city asks the contractor or the public to take these street improvement bonds and certificates, the good name and credit of the city demands that the city make good any deficiencies arising from errors of judgment or negligence on the part of the city authorities. If this were not so, cities might find it difficult to finance such improvements because of lack of confidence on the part of contractors and investors in special assessment securities.

The decision will no doubt work a hardship upon those cities whose over-optimistic councils have forced street improvements upon their communities in advance of their needs and beyond the ability of the property assessed to meet the payments. But when city councils realize that street improvement bonds will become general obligations of the city, unless properly and legally assessed, they will weigh more carefully the objections of property owners before disregarding them.

FRANK E. HORACK.
The State University of Iowa.

[1] 214 N. W. 687 (Iowa, 1927).

✽

Special Assessments—Direct Liability of City on Bonds Issued.—The interesting note by Professor Horack on the case of *Hauge* v. *Des Moines* suggests a comparison with another recent case involving the same point. In *Moore* v. *City of Nampa*, 18 Fed. (2d) 860, decided by the Circuit Court of Appeals, ninth circuit, in April, 1927, the bonds in question contained recitals similar to those in the Hauge case, and the liability of the city was likewise predicated upon the negligence of the city in failing to perform its statutory duties to make a valid levy and collect the funds to pay the bonds. The Idaho statute provided that the holder of such bonds "shall have no remedy therefor against the municipal corporation by which the same is issued in any event, except for the collection of the special assessment made . . ., but his remedy in case of non-payment shall be confined to the enforcement of such assessment." The court affirmed a judgment of the district court sustaining a demurrer to the complaint.

These two cases illustrate the conflict of decisions that prevails in this class of cases based upon like facts, but the great weight of authority is in support of the view of the Circuit Court of Appeals. If the city is relieved of direct liability, the bondholder has a remedy by mandamus to compel the proper officers to make a new or supplementary assessment and collect the necessary funds to liquidate the bonds. The earlier cases bearing upon the general question of the direct liability of the special assessment district are reviewed in an extensive note to *Capitol Heights* v. *Steiner*, 211 Ala. 640, 101 So. 451, published in 38 A. L. R. 1271 (1925). The Hauge case is supported by a long line of decisions in Iowa (note, 18 Iowa Law Review 81), and evidently the only method left open to avoid the direct liability of municipal corporations on that state is by an amendment to the enabling

act further expressly restricting the right of the bondholder against the city to a remedy by mandamus and requiring a recital in the bond itself of such a limitation and that it is payable only out of proceeds of the funds raised by the special assessment. As the constitutional limitations upon municipal indebtedness are uniformly held not to apply to judgments in tort, the evil of excessive direct obligations upon the city, resulting from failure to perform statutory duties of this nature, should be kept within reasonable bounds wherever, as here, it can be done without injustice to anyone.

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Municipal Functions—Airports.—The Supreme Court of Kansas in *Wichita* v. *Clapp*, 263 Pac. 12, decided January 7 of this year, holds that a city of the first class under its power to acquire lands within five miles of its limits for park purposes may take land for a park, 70 per cent of which is to be used for an aviation field. The court in its opinion reviews the progress of aviation and cites the statutes of various states expressly conferring the power in question. It also reviews the decisions which show the extension of park functions to include tourist camps and other new social activities. This progressive view of the extension of the implied power of municipalities by the change in social conditions is not followed by some states (*Kennedy* v. *Nevada*, 281 S. W. 56, Mo. 1926), and therefore the express delegation of the power to establish airports is advisable. (See Act No. 328, Pa. Laws of 1925, Ch. 534, Sec. 57, Mass. Laws 1922, Sec. 3667, par. 15, General Code of Ohio.) Upon the general subject of the extension of municipal functions, the reader may be referred to a note published in the August, 1926, number of this REVIEW.

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Zoning—Control over Building on Manufacturing Property Included in Residence District.—The Supreme Court of Pennsylvania in *In re Gilfillan's Permit*, 140 Atl. 136, has refused to follow the extremely broad application of the police power which was affirmed by the District Federal Court of Minnesota in *American Woods Product Co.* v. *Minneapolis*, 21 Fed. (2d) 441, which was reported in the December, 1927, issue of the REVIEW. In the instant case the petitioner, who operated a lumber yard in a section that was zoned as a residence district, was refused a permit to erect on his yard a building of concrete blocks to house his lumber and other supplies. In sustaining the court of common pleas, which directed an issuance of the permit, the supreme court points out that the erection of the building in question would lessen the fire hazard, eliminate the tendency of undesirable persons to gather in the vicinity, conduce to the health of the community and enhance the attractiveness and value of the surrounding property. As the petitioner's business had been long established before the zoning restriction was enacted, the lands were charged with a lawful use which the city was without power to destroy. This is an illustration of the class of cases in which the zoning board of appeals should allow an exception to be made to the strict provisions of the ordinance; otherwise there seems to be no sound reason for its existence. (*Dobbins* v. *Los Angeles*, 195 U. S. 223; *Western Theological Seminary* v. *Evanston*, 156 N. E. 778.)

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Police Power—Public Taxicab Stand on Railroad Property.—The Supreme Court of the United States, in a decision handed down February 21, unanimously reversed the decision of the Circuit Court of Appeals, third circuit, in *D. L. & W. R. R. Co.* v. *Morristown*, 14 Fed. (2d) 257, which was commented upon in the April, 1927, issue of this REVIEW. The court holds that the town does not have any right to establish a public hackstand on the driveway upon the plaintiff's premises without just compensation and that the company may grant an exclusive privilege therefor to one operator.

Mr. Justice Butler in his opinion says: "The police power may be and frequently it is exerted to effect a purpose or consummate an enterprise in the public interest that requires the taking of private property; but, whatever the purpose or the means employed to accomplish it, the owner is entitled to compensation for what is taken from him. The railroad grounds, station, platforms, driveways, etc., are used by the petitioner for the purposes of its business as a common carrier and, while the business is subject to regulation in the public interest, the property used belongs to petitioner. The state may not require it to be used in that business, or take it for another public use, without just compensation, for that would contravene the due process clause of the Fourteenth Amendment. (Cases cited.)

"As against those not using it for the purpose of transportation, petitioner's railroad is private property in every legal sense. The driveway in question is owned and held by petitioner in the

same right and stands on the same footing as its other facilities. Its primary purpose is to provide means of ingress and egress for patrons and others having business with the petitioner. But, if any part of the land in the driveway is capable of other use that does not interfere with the discharge of its obligations as a carrier, petitioner, as an incident of its ownership and in order to make profit for itself, has a right to use or permit others to use such land for any lawful purpose."

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Police Powers—Reasonable Regulation of Business or of Social Activities.—Under a general delegation of the local police power a city may enact regulations which will be in effect local laws, provided they prescribe general rules of conduct fairly definite and are reasonably adapted to protect or insure the safety, health, morals or general welfare of the community. That a city may enact a valid ordinance denouncing as a disorderly person anyone who appears or travels upon the streets masked or disguised so as to conceal his identity was affirmed by the Court of Appeals of Kentucky in *Pineville* v. *Marshall*, 299 S. W. 1072. That an ordinance requiring barber shops to close at 7 P. M. week days except Saturdays at 9 P. M. and prohibiting colored barbers serving white children is unreasonable and void was held by the Supreme Court of Georgia in *Chaires* v. *Atlanta*, 139 S. E. 559.

In *New Castle* v. *Withers*, 139 Atl. 860, the Supreme Court of Pennsylvania held that the city by bill in equity could compel the removal of plumbing installed in the house of the defendant by her husband, a licensed plumber, which was found not to comply with the requirements of the state plumbing code. The judicial control of the courts to set aside such a statute, as distinguished from an ordinance, is limited to those cases where there is a palpable invasion of the fundamental law or where there appears upon its face that it has no real or substantial relation to the public health, safety or morals; in all other cases the legislative determination is held to be conclusive.

Where the ordinance relates directly to the public health, the means adopted to secure its enforcement is most liberally construed. In *State* v. *Spiller*, 262 Pac. 128, an ordinance of the city of Auburn required each home holder to keep a garbage can and deposit all garbage therein and imposed a penalty for noncompliance. It was further provided that the failure to possess such a can and the use of the city water by the home holder should constitute prima facie proof of the violation of the ordinance. The Supreme Court of Washington upheld the ordinance on the authority of *Mobile, etc. R. R.* v. *Turnipseed*, 219 U. S. 35. The extent to which reasonable control over the disposal of garbage by private individuals extends is set forth in *California Reduction Co.* v. *Sanitary Reduction Co.*, 199 U. S. 306.

The extent to which discrimination may be held to be reasonable is illustrated by the decision of the Supreme Court of Washington in *Seattle* v. *Gervasi*, 258 Pac. 328, in which an ordinance excepting from a Sunday closing law the sale of meals served on the premises, prepared tobacco, milk, fruit, confectionery, newspapers, magazines and medical and surgical appliance was sustained. Classification based upon the nature of the business is upheld on the ground that the law operates equally upon all persons similarly situated. A conviction of the defendant, a grocer, for a violation of the ordinance was unanimously affirmed.

PUBLIC UTILITIES

EDITED BY JOHN BAUER

Director, American Public Utilities Bureau

What Price Electricity for Our Homes?—This is the title of a pamphlet of 49 pages published by Morris L. Cooke as an open letter to the electrical industry. It is an interesting and challenging analysis of electric rates charged for domestic purposes; it presents the situation, in our opinion, correctly.

The pamphlet is replete with concrete data as to power costs, rates, and comparisons. The general contention is that domestic rates in American communities are too high; that, with the present efficiency of production and distribution, there are few places where rates above five cents per kwh. would be justified. Improvements in production and distribution of electricity have been going on steadily and rapidly for the past ten years, and have enabled the companies to compete with increasing effect for industrial and commercial power, but practically no revisions have been made in domestic rates. The time has come, Mr. Cooke points out, for a complete re-determination of the relative rates for domestic and business uses.

Mr. Cooke shows that, under present conditions, there is little reason for any marked difference in rates for domestic and other purposes, so far as direct production is concerned; but that there are substantial differences in cost of distribution and commercial expenses. He finds that domestic rates are commonly nearly six times as great as power rates, and sees no reason for such a great differential under present circumstances. The "load factor" has improved so greatly during recent years, that the "peak load," formerly due to domestic consumption, has largely lost its importance in the costs and rate structure. For most companies, the average plant utilization per day is now probably greater than in any other industry, except in continuous process concerns. Under the present situation, therefore, he finds no reason for great rate differentials, so far as generating costs are concerned, between the different classes of users.

We have had occasion repeatedly in this department to refer to the differentials that commonly exist between domestic and power rates, and to point out that existing differences are not justified. We have now under preparation a study which covers a different line of data than used by Mr. Cook; but our facts point to exactly the same conclusion. Our view harmonizes completely with Mr. Cooke's, that under present conditions domestic rates above five cents are warranted in very few places. In most of the larger cities there is no reason why domestic rates might not be as low as two or three cents per kwh. Such a radical revision in rates would reach into the homes of the poorest, and to the farms; would make available a wide range of modern conveniences, and would add greatly to the general standard of living. This would mean an enormous extension in the utilization of electric facilities, and would be certain to broaden the permanent foundation of the prosperity of the electric power industry.

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The New York Rapid Transit "Movies."—The drama of New York rapid transit has been moving at great speed during the past month, but with little forward motion. The litigation described in this department last month, in respect to the increase in fare to seven cents, has not advanced in any decisive respect. At this writing, the question of jurisdiction between the federal and state courts is still undetermined; this involves the basic question whether City Contract No. 3, under which the subways are operated, is to be regarded legally as a contract, binding upon the company, or whether the operator, as the company contends, has superior rights under the general regulatory powers and duties of the state, notwithstanding the contract.

In the meanwhile, there have been prepared by both sides legal papers of all sorts enough to confuse not only the layman who attempts to understand the situation, but, perhaps, also the lawyers and judges concerned. It is, however, difficult for a layman to see how the Interborough Rapid Transit Company, operating under a contract with the city, can finally free itself of its obligation of a five-cent fare, when that contract has been highly profitable to the company, and when its financial difficulties are

due to another contract—the lease of the elevated lines—with which the city has no contractual concern.

The Interborough management is not content with starting what promises to be the greatest lawsuit that has come out of New York for many years, but has undertaken another enterprise which may prove most costly to the company's ultimate interests.

The company has always opposed the regular unionization of its operating forces, and, largely for that purpose, has organized and developed the Interborough "Brotherhood," a company union. In dealing with its men, it arranged a system of private contracts, under which it had virtually compelled each man to agree not to join a regular union. Notwithstanding these agreements, however, the Amalgamated Association of Street and Electric Railway Employees has succeeded in effecting a regular union organization, apparently including a large proportion of Interborough employees. The company, on the basis of its employment contracts, attempted to enjoin the Amalgamated in its efforts to organize the Interborough and to prevent the men from joining the Amalgamated. It has failed in these legal maneuvers, and apparently has adopted the course of discharging the men who have joined the Amalgamated, although in part, at least, the discharge has been based upon alleged infractions of rules said to endanger the safety and efficiency of operation. This policy seems to be followed with vigor, and has kept the imminence of a strike in the foreground. An actual strike, to date, has been averted by the ability of Mayor James J. Walker in dealing with both sides of the controversy.

This situation points to a moral which the editor cannot evade. Here we have a utility upon which the entire economic life of a vast city depends; for this reason the city of New York has spent hundreds of millions of dollars in subway properties; likewise, for this reason, the state has expended annually millions of dollars in regulation. Yet, the entire business and industrial life of the city and the metropolitan district may be crippled for days and weeks, because of benighted labor policies on the part of the management, and perhaps temperamental qualities on the part of the labor leaders. The time certainly has come when, in respect to public utilities, a positive public labor policy should be adopted: to prevent the conditions that produce strikes, rather than try to cope with a difficult situation when the crisis has been reached.

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Philadelphia Rapid Transit and the New Subways.—Philadelphia has its transit problems, too, but with less dramatic appeal. The city has been engaged in the construction of new subways, and has practically completed the Broad Street line. It is now concerned in making provisions for operation.

In planning and constructing the new subways, the city has intended them to be operated by the Philadelphia Rapid Transit Company in conjunction with the comprehensive and unified system of elevated, subway, and surface lines now operated by that company. No actual agreement for the operation, however, has been entered into. The cost of the Broad Street line, now practically completed, will be about $90,000,000, and the entire cost of the new subways, including the extension from City Hall to South Street and the Ridge-Eighty Street branch, will come to about $120,000,000. The carrying charges on this new investment will be a heavy burden. For several years there will be deficits, until additional traffic is sufficiently developed. This situation is a drawback to an operating agreement between the city and the company.

The financial status of the Philadelphia subways is somewhat unusual, in that the city pays not only for the construction of the railroad, but also supplies the complete equipment. This differs, materially, for example, from the New York subways, where the operating companies have furnished the equipment. The new Philadelphia subways will be turned over to the operating company as a complete railway ready for operation.

The Market Street and Frankford subway elevated are now operated by the Philadelphia Rapid Transit Company, on the payment of a fixed rental to the city equal to the carrying charges and amortization. Possibly similar terms will be finally adopted for the new subways. A special plan prepared for the city, however, provides for a different type of agreement. While this would combine the operation of the new subways with the other transit facilities, it would, nevertheless, keep the financial results distinct, and would yield the city an undetermined return. There would be a separate accounting as to revenues and expenses, and the city would get whatever net return was actually realized from operation. The company

would be paid upon a separate basis for its management, and the same rate of fare would be paid as on the rest of the system.

The type of operating agreement or lease adopted is a matter of first-rate importance for the city, in that it will practically fix its status as to future policy until 1957, when its other agreements with the company terminate. Under the proposed agreement, the city would retain a relatively greater freedom of action during the intervening period, without any "scrambled" finances as in the New York leases. The subway system would not be so tied up financially with the other lines but that it could be extricated, if developments should warrant a separation.

Philadelphia is fortunate beyond most of the large metropolitan centres in having established a thoroughly unified and coördinated system of transportation. The agreement for the operation of the new subways will, doubtless, be in harmony with this situation. The Philadelphia Rapid Transit Company now operates all of the surface lines in the city, the Market Street and Frankford subway elevated lines, all as a single system. The rate of fare is 8 cents, or two tokens for 15 cents. There are free transfers between all parts of the system, except that there are certain "exchange" points in the central delivery district where an additional 3 cents is charged.

The company has acquired also a bus system, which is operated through a subsidiary, the Philadelphia Rural Transit Company. The bus lines charge a 10-cent fare; are coördinated with the street railways, and furnish exchange tickets at 3 cents. The company has purchased also the Yellow Taxicab Company, and is negotiating for the acquisition of other cab companies. One of the objects of this expansion is to remove the "floating" taxi from the streets, and thus to reduce street congestion, which has been one of the factors of interference with street railway operation.

The Mitten management of the Philadelphia Rapid Transit has been one of the outstanding features of urban transportation during the past ten years. It has been singularly successful in dealing both with the public and with labor. It has done more than probably any other group in the country to identify the ordinary rider, as well as the ordinary employee, with the work and success of the company. It has developed an actual good will, the lack of which is one of the real difficulties in the New York situation, as well as in many other cities.

Good will is a fundamental element in successful and efficient operation. This is likely to be more a matter of personal attitude, or psychology, on the part of the management in its dealings with the public and the employees, rather than the actual things that are done. This appears to be particularly true of the Mitten management, but it has an admirable record of achievement to earn the good will. One of the outstanding enterprises of the past year has been the sale of $18,000,000 of 6 per cent preferred stock to the car riders, in maximum sums of $2,000 per rider. Not only the actual sale, but the manner of the sale of the stock has brought the company much closer to its public. Recently an investment corporation was organized, to enable the same public to invest directly in P. R. T. securities.

On the labor side, the management has also been strikingly successful in developing the coöperation and good will of the ordinary conductor, guard, track worker, *et al.* This, again, is more a matter of attitude than the specific things done. The management has worked out a system of committees with the employees, by which all differences are settled; it has had no strikes, nor has it had regular unions. It has instituted a coöperative wage plan by which the employees share in the economies and surplus of the company. These savings are invested in the company's securities and have made the employees a large factor in the actual ownership of the company. Approximately one-third of the capital stock is now owned by the employees. A recent development has been the purchase and reorganization of a bank to serve the employees in their investment of savings.

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The Long Island Commutation Case Decided.—On February 25, the Transit Commission of New York disapproved and permanently suspended the proposed 20 per cent increase in commutation rates charged by the Long Island Railroad Company within the city of New York. On February 29, the Public Service Commission likewise rejected the increase, applicable to the traffic between the city and the communities outside.

This is a notable case, because of the long period of time over which it has extended, and because of the strenuous opposition to the increase made by the city of New York and the Long Island Commuters' Association.

In regard to the issues involved, it is worth while to note particularly that both commissions

have recognized that, because of the character of the service, and the great difference in density of traffic, an apportionment of costs between commuters and regular passengers must be made with consideration of these differences. The company's position was rejected by both commissions,—that the average cost of carrying a passenger, for the company as a whole, may be used as the measure of the cost of carrying commuters. That there is a large "differential" in the relative costs, was strongly contended by the city, which presented an apportionment upon a basis that seemed correct. While the city's general view was accepted by both commissions, neither of them decided upon what exact basis the "differential" should be determined. The outright recognition of such a difference, however, is a positive step for future treatment of commutation rates.

As to the other important issues, the Transit Commission agreed fully with the city that the "normal" maintenance costs must be used for the determination of rates, and not exceptional expenses due to extraordinary maintenance. Likewise, it agreed that the apportionment of costs and property between the freight and passenger services could not be based upon the rules of expense apportionment issued by the Interstate Commerce Commission in 1920. These rules apply to the conditions of ordinary steam railroads, when both passenger and freight services are operated under substantially similar circumstances. In this case, the passenger service was operated to a large extent by electricity, and the commutation business almost altogether by electricity, while the freight service was operated wholly by steam. Since a large proportion of the common expenses incurred jointly by the two services are divided under the Interstate Commerce Commission's rules on the basis of relative fuel and power costs, the city contended that the rules could not be properly applied to this case, when the two services were operated under such dissimilar conditions. An extensive study was made of the costs and apportionments for all of the railroads of the country; the city's position was borne out statistically, and was sustained by the Transit Commission.

In respect to valuations, the company has used reproduction cost of the physical properties, without any deduction for depreciation; land was appraised on the basis of adjacent and adjoining land values. The methods were subjected to severe criticism by the city and the Long Island Commuters' Association; and the company's figures were rejected by the Transit Commission. The city presented a valuation based upon the methods adopted by the Interstate Commerce Commission in the St. Louis and O'Fallon case,—the amount fixed under the 1913 Federal Valuation Act, plus additions and minus retirements since, and less the further accrued depreciation. Since the legality of this base is now on its way to the Supreme Court of the United States, it was not passed upon by the state commissions in this case.

Although the increase in rates has been denied, there has been no final disposition of any of the issues; nor will there be a final disposition, unless our policies are radically reconstructed through statutory enactment.

The company is very likely to go to the federal court for relief. If so, this will mean a renewed inquiry in great detail, covering the same complicated facts. The decision of the federal court, naturally, would not be acceptable to either side, and the appeal would reach the Supreme Court of the United States. A final decision by that court again would dispose merely of the particular matter, but would settle nothing in regard to the future. At any time thereafter when rate adjustments are attempted, either upward or downward, there will be a repetition of the same costly, tedious and largely futile procedure.

The editor of this department has been retained throughout this extended litigation by the city of New York, for the economic and financial investigations and studies. Through this case he has become all the more convinced that our policies and methods of regulation must be radically reconstructed if regulation is to be effectively and reasonably carried out. If, in fact, the company in this case had needed additional revenues, the protraction of the case over nearly four years would itself constitute real confiscation, and might have caused serious financial difficulties; this, however, does not appear to be the fact in this instance.

In the interest of the public, fortunately the city of New York could almost match the resources of the company in fighting the case. If only small communities had been concerned, an increase in rates would doubtless have gone into effect long ago through default by the opposition. There can be little enthusiasm for a system of regulation which requires almost unlimited municipal funds to defend the public against excessive rates.

GOVERNMENTAL RESEARCH ASSOCIATION NOTES

EDITED BY RUSSELL FORBES

Secretary

Municipal Reference Library Notes.—Many research organizations are already receiving the weekly edition of *Notes*, published by the Municipal Reference Library, 512 Municipal Building, New York City. These *Notes*, list, by subjects, the current literature on municipal government and administration, and are therefore of great help to any individual or organization who wishes to build up a library in this field. The regular subscription price is $2.00 per year. But through arrangements made with the librarian, Miss Rebecca B. Rankin, any municipal research organization, which is a member of this Association, may receive the *Notes* without charge by asking to be placed on the mailing list.

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Recent Reports of Research Agencies.—The following reports have been received at the central library of the Association since January 1, 1928:

Municipal Research Bureau of the Akron Chamber of Commerce: *Coöperative Junior High School Study.*

Buffalo Municipal Research Bureau: *The Bureau of Parks*, and *The Natural Science Museum's Proposed Budget.*

California Taxpayers' Association: *Report of Santa Paula County, California;* an analysis of past growth and expenditures and a projected ten-year financial program, 1927–1937.

Chicago Bureau of Public Efficiency: *Chicago School Finances, 1915–1925; How the Chicago School Dollar Is Spent.*

Des Moines Bureau of Municipal Research: *Data on Airports in Cities*, and *Use of Photographic Machine in County Recorder's Office to Replace Typewriter Copying Method.*

Detroit Bureau of Governmental Research: *A Proposal for Financing the Capital Outlay for Detroit Schools, Comparative Bonded Debt of 32 Cities as of January 1, 1928, The Cost of Government City of Detroit*, and *Waste Disposal by Incineration.*

Kansas City Public Service Institute: *Special Assessment Procedure;* report on nature, extent and methods of special assessments for improvements in certain large cities; *A Study of the Water Department of Kansas City, Local Government and Civic Development*, and *Some Facts and Considerations Relative to Kansas City's Bonded Debt, Present and Future.*

Taxpayers' League of St. Louis County (Duluth): *A Preliminary Report on Financing Duluth's Major Street Improvement Program.*

St. Louis Bureau of Municipal Research: *Street Paving* and *Records for Motor Flushers.*

Toledo Commission of Publicity and Efficiency: *Survey of the Purchasing Division of the City of Toledo.*

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Boston Finance Commission.—Since February 1, the commission has issued the following: Report to the committee on municipal finance regarding House Bill 509, dealing with the tax limit of the city of Boston for the year 1928, and report to committee on pensions regarding House Bill 102, recommendations of the Finance Commission relative to the permanent school pension fund.

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Buffalo Municipal Research Bureau, Inc.—The Buffalo Municipal Research Bureau has been unusually busy during the past three months. One member of the staff has been working with the city purchasing agent in organizing and developing the new centralized purchasing bureau which was provided for in the new city charter effective January 1, 1928.

The Bureau has under way a survey of the police department to determine whether additional men are needed, how well the present force is being used, the possibilities of motor patrol for residence sections, etc.

At the request of the city treasurer, the Bureau is making a study of the various collecting agencies of the city with a view to devising a more simplified and more efficient system with

proper and adequate auditing and control. This study will also include the preparation of a procedure for handling claims in arrears.

The Bureau is keeping in close touch with the preparation of the annual budget, and its analysis of the mayor's budget estimates will be issued in pamphlet form on March 15 when the mayor's budget is sent to the council.

A memorandum by the Bureau to the chairman of the finance committee of the city council pointed out that the city auditorium was being operated at an annual cost of $68,700, while the revenues amounted to only $16,000, making a net cost to the city of over $50,000. It pointed out that a permanent force of 35 employees were on the pay rolls and the auditorium was used only 148 times during the past year. A proposal by the council to go thoroughly into the matter has lately taken a sudden turn for a complete investigation, by a councilmanic committee, of all city departments.

The Bureau has also prepared and issued a report on the leasing of office space by various city departments and a memorandum on the proposed budget of the natural science museum.

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California Taxpayers' Association.—The Educational Commission of the California Taxpayers' Association is composed of ten outstanding Californians representative of education, agriculture, engineering, business and the California congress of parents and teachers. They were selected for their knowledge of, and sympathy with both the public school system and the taxpayers' problems. The commission forms its opinions and bases its recommendations on painstaking research. It meets quarterly in Los Angeles to review the work of its two full-time secretaries and to direct their research activities.

At present the commission is conducting a study of the county unit system of school control. It has investigated the working of the county unit system in the twelve states where it is used and is seeking information and advice from all the state school superintendents of the United States. Those who were familiar with the county unit recommended it; none opposed it; but a few, mainly in New England, did not consider it feasible in their states. One of the secretaries has just returned from a two-weeks' intensive study of the actual functioning of the county unit in Utah, where it has been in successful operation for thirteen years.

It is felt that California, with its 3,260 elementary school districts, is in dire need of consolidation at once. In 1,795 districts only one-room schools are maintained; and of these, 1,555 have less than 21 children in the entire district. Excellent roads and equable climate make the problem of larger-scale school control relatively easy of solution in this state, but the problem has never been vigorously attacked until the Educational Commission began its studies.

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Des Moines Bureau of Municipal Research.—The Bureau is coöperating with the Iowa State Association of Realtors to coördinate state-wide sentiment for tax retrenchment. Effort will be made at the next session of the state legislature to obtain the passage of an economy law and to obstruct passage of bills which would boost public costs. To further this effort, the State Realtors' Association has recommended that each local real estate board appoint a tax retrenchment committee to deal with local problems and to develop sentiment in each locality.

The Bureau suggested to the city council and to the county board of supervisors the possibility of refunding at a lower interest rate several 5 per cent bonds, which are callable before maturity. It also urged the city council to refrain from a small bond issue to purchase a park tract which could be paid for out of current operating revenues.

After an investigation which showed unmistakably that municipal expense increases inordinately in years in which municipal elections are held, the Bureau of Municipal Research strongly urged the present city council to refrain from increasing expenditures this spring prior to the municipal election and thus to set a unique example in the city's financial history.

At the request of the Bureau, the city engineering department has completed a map which shows all the street and sewer improvements made by special assessment in the last five years and the boundaries of each district. This, it is hoped, will guide the council in determining whether or not certain localities can stand further local improvements in the immediate future.

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Taxpayers' League of St. Louis County, Inc. (Duluth).—A program for cutting one of Duluth's principal streets through a high rock

projection was well on the way to adoption three years ago, involving an outlay of more than two millions of dollars, with some features that would have been more of a detriment than an improvement. The League cited the objections—unbalanced cost, dislocation of the street system, absence of corresponding benefits, and hindrance to the best development of the neighborhood. The city commissioners reconsidered and submitted a proposition to the voters March first, involving an expenditure of $750,000.

Because the proposition proposed by the city commissioners was contrary to the recommendations of the City Planning Commission and for various other reasons, the Taxpayers' League opposed the bond issue submitted by the city commissioners. The position of the League was affirmed by a vote of two to one on March first.

Mr. DeWees of the Bureau staff has been attached to the Chamber of Commerce Gas Committee, and has spent much time in studying the gas problem. In conjunction with Martin Hokanson, an effort has been made to arrive at a scientific allocation of gas costs. The premises of this study are that there are three separate costs accruing to each customer, namely:

1. Customer costs, which are those items of cost that are so much per customer regardless of the quantity of service.

2. Customer demand or readiness-to-serve costs, which are the capital costs necessary to provide sufficient plant to be ready to serve every custumer just when he wishes service, and that part of operating expense due to the same necessity of always being ready to serve.

3. Quantity of service costs, or those items of cost that vary with the quantity of output used by each customer.

Seemingly, no effort has been made by the water and light department at such a distribution of costs as is outlined above, and considerable difficulty has been experienced due to lack of detailed information. However, it is believed that reasonably accurate approximations have been made for the missing data, and that fairly accurate figures have resulted for these costs which will be published in the committee report.

A study is also being made of the allocation of the capital costs and the total income as between the gas department and the water department over a period of years. This is an effort to determine whether the interest charges now accruing to gas are properly chargeable thereto.

A tentative report has been prepared on the subject of refuse collection and disposal for a special committee of the Civic Council. This report advocates nothing, but is designed simply to give information to the committee on the various aspects of the refuse problem.

A special effort has been made to work with the county commissioners and to keep close watch of their activities. With the commissioner of the second district serving as chairman of the county unorganized school district, it is believed that considerable economy can be effected in that organization.

All reports and bulletins of the League since its organization in 1921 have been bound in permanent form, and several copies are to be given to libraries where such material is kept on file.

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National Institute of Public Administration, New York City.—The 1928 report of the Special Joint Committee on Taxation and Retrenchment of the state of New York has been completed and is in press. The report was prepared by Luther Gulick, C. A. Harrell, and Hubert W. Stone, of the Institute staff. It deals with the fiscal and administrative relations of the city governments and city school systems.

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Conference on Public Welfare Statistics.—As the result of an informal conference on public welfare in government held under the auspices of the National Institute of Public Administration in July, 1927, Dr. Carl E. McCombs of the Institute's staff recommended the creation of a special committee of the American Statistical Association to carry out the following program: (1) Prepare a report on the existing status of public welfare statistics; (2) draft a model law for the establishment of central state agencies for the collection and analysis of such statistics; (3) coöperate with the U. S. Bureau of the Census in developing the coöperation of the states for more uniform statistical practice. The American Statistical Association endorsed this recommendation and directed that the matter be referred to its already established committee on institutional statistics of which Dr. H. M. Pollock, statistical director of the New York State Department of Mental Hygiene, is chairman.

On February 10, a joint conference of the committee on institutional statistics and representatives of the national government, several state governments, and interested private

agencies was held at the National Institute of Public Administration to consider the program further and to lay out a plan for immediate action. This conference was attended by Dr. H. M. Pollock, director of statistics, New York State Department of Mental Hygiene; Frank Bane, state welfare commissioner of Virginia; Kate H. Claghorn, New York School of Social Work; Neva Deardorf, Welfare Council of New York City; Emil Frankel, director of research, State Department of Institutions and Agencies of New Jersey; Edith M. Furbush, formerly of the National Committee for Mental Hygiene; Dr. Joseph A. Hill, assistant director, U. S. Bureau of the Census; Benjamin Malzberg, statistician, New York State Department of Charities; Dr. Carl E. McCombs, National Institute of Public Administration; Prof. S. P. Breckenridge, department of social economy, University of Chicago; F. W. Brown, National Committee for Mental Hygiene; Richard K. Conant, state commissioner of public welfare of Massachusetts; Katherine F. Lenroot, acting chief, U. S. Children's Bureau; Emma O. Lundberg, Child Welfare League of America; Dr. George K. Pratt, National Committee for Mental Hygiene; Bruce Smith, National Institute of Public Administration; and Sydnor H. Walker, Laura Spelman Rockefeller Memorial.

Discussion of public welfare statistics from the points of view of the federal agencies concerned, state welfare officials, private welfare agencies, and government research agencies by the members of the conference brought out clearly the need for more complete and uniform statistical practice in the various states, and for better coöperative action by all agencies to attain this end. A subcommittee of the committee on institutional statistics was appointed to draw up a plan of action for later consideration. This subcommittee comprises: Dr. H. M. Pollock, *chairman*, Kate H. Claghorn, Edith M. Furbush, Dr. Joseph A. Hill, Benjamin Malzberg and Dr. Carl E. McCombs, *secretary*. A meeting of the subcommittee will be held late in March or early in April to begin the work of preparing uniform statistical schedules for these public welfare services where statistics are as yet unstandardized and to devise ways and means of securing nation-wide adoption of such schedules, including the drafting of a model law for the registration of public welfare statistics by the various states.

The conference of February 10 was made possible through the generosity of the Laura Spelman Rockefeller Memorial of New York City, which appropriated a sum sufficient to pay the traveling and living expenses of out-of-town members of the conference. The progress of further work by the subcommittee of the committee on institutional statistics of the American Statistical Association, which will have the work of statistical standardization in charge, will depend to a considerable degree upon its success in securing financial support. It is expected that two years or more will be required to carry out the plan.

Sioux City, Iowa, Bureau of Municipal Research.—The latest addition to the fast-growing list of research organizations is the new bureau established at Sioux City, Iowa. The Bureau has not yet employed a research staff, but is now engaged in raising funds to permit the undertaking of a research program. The Bureau's headquarters have been established in the office of the secretary, E. S. Weatherly, 510 Iowa Building.

Toledo Commission of Publicity and Efficiency.—The Commission published on March 3 a survey of the functioning of centralized purchasing in the city of Toledo. During the next month, the Commission plans to publish a survey on street cleaning.

Probably the most important question which is before the city administration at the present time is the subject of fire and police pensions. The Commission of Publicity and Efficiency intends to make a survey of the practice of other cities in this field. At the present time state laws of Ohio do not allow the city to compel firemen and policemen to contribute to the pension fund. The result is that the city pays $75 per month as pension to policemen and $85 per month as pension to firemen, almost entirely out of public funds.

NOTES AND EVENTS

EDITED BY H. W. DODDS

Wichita To Clean House.—Recent events in connection with Wichita's city manager government illustrate the importance of constant vigilance by good citizens and the distance our municipalities have yet to travel before we have finally established an invulnerable tradition of sound administration.

The story is gleaned from the *Wichita Daily Beacon* and begins two years ago with the election of a city councilman through the support of the Ku Klux Klan. Immediately the Klan leader began to interfere in police administration until it was finally discovered that a good many of the policemen looked to him rather than to the chief for orders. Later another klansman was elected, and the two laid down a political barrage against Earle C. Elliott, the city manager. Through control of the police the first klansman was able to extend protection to bootleggers and gamblers under a pay-off system which ran to as much as $3,000 a month.

The *Beacon* criticized the councilman in such definite terms as to incur an action of $500,000 for defamation of character. It countered with an investigation resulting in the confession of several liquor dealers, who declared that they had paid considerable sums of money for the privilege of selling liquor and running resorts. When the findings were placed before the attorney general the councilman was notified that ouster proceedings would be brought against him. Whereupon he resigned from the council and dropped the libel suit against the *Beacon*.

The citizens of Wichita recognize that their experience is not a reflection upon the city manager plan of government. Mr. Elliott is one of the leaders of his profession, having served a term as president of the City Managers Association, and is now an officer of a large corporation at a very satisfactory salary. But the activities of the non-partisan Good Government League, which had exercised an intelligent scrutiny over candidates for office and the affairs of the city, had been allowed to lapse.

That the success of the city manager government, like any other form of public or private organization, depends upon the caliber of its personnel is now recognized in Wichita. Other cities will do well to profit by her experience before similar afflictions come upon them.

To Reform Philadelphia Magistrates' Courts.—Certain other cities may enjoy as bad magistrates' courts as Philadelphia, but even the casual observer of municipal affairs knows that her minor police and civil courts are a disgrace to her judicial system. They are politics ridden and graft infested. While the matters which come before such courts are small, they concern a larger proportion of the citizens than do the higher courts, and the time is ripe to renovate them. It is gratifying, therefore, to know that some attention is being directed towards cleaning them up. Legislation passed last year providing for a chief magistrate selected by the board of magistrates did not create, in any true sense, a consolidated court. The chief magistrate has few or none of the powers necessary to constitute him the real head of the system.

Former District Attorney Charles Edward Fox, a man who ought to know, charges that the magistrates' courts in Philadelphia are today centers of political activity and even-handed justice is subordinated to oppression, trickery, and extortion. As a means of reform Mr. Fox proposes a reorganization of the whole magisterial system of the city. He would adopt an entirely new code of procedure, require that magistrates be practicing attorneys of at least three years' experience and devote all their time to the work, prohibit any magistrate from active participation in any political organization, and lay down new rules for the acceptance of bail whereby any person appearing as bondsman more than twice in one month could be classed as a professional bondsman and compelled to take out a license. Although these so-called judges receive $5,000 a year, Mr. Fox believes that a great deal of the trouble arises from the low caliber of the personnel selected for the office.

City Manager Sherrill has recommended to the Cincinnati city council that Broadway, a most congested thoroughfare, be widened twenty-five feet from Fifth Street to Reading Road. According to the report of the manager referred to

the council, the cost will be $2,100,000, although the actual improvement of the street will cost but $141,000. The official city plan did not contemplate the widening of Broadway for many years, but a proposal to build a million-dollar garage moved the council to favor immediate action in order that the cost of demolishing this building might be avoided. The widened street will give space for two sidewalks twenty-three feet wide and a roadway adequate for six lanes of traffic.

Colonel Sherrill recommends that the device of excess condemnation be used rather than the appropriation of land sufficient only for the physical widening. By the economic assembling of small plots and resale to private owners under the power of excess condemnation it is estimated that approximately $392,000 can be saved.

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The Virginia Institute of Public Affairs.—The second session of the Institute of Public Affairs at the University of Virginia which attracted nation-wide and even international attention last year will be held, according to an announcement by Dean Charles G. Maphis, director of the institute, from August 6 to 18, for a continued study and discussion of the outstanding current issues in national, state and local governmental policies and the economic and social problems underlying them.

The program will consist of three features.

For the more serious and consistent study of the questions selected, eight or ten round tables continuing through the entire session of the institute and meeting for about two hours each morning will be organized under the leadership of the best authorities available in their respective fields.

A unique feature and one which should prove intensely instructive and interesting will be an Open Forum, conducted each day from eleven to one o'clock. This forum is the direct result of the memorable McAdoo-Ritchie-Glass debate last year on the Eighteenth Amendment. This year at that hour some timely question will be chosen. Those who participate in the forum discussions will be men and women of national reputations on account of their study of and achievements in politics and public service, but differing in their views on the question under debate.

The third feature of the program will be daily addresses in the evening on public questions by men of national reputation whose opinions are sought and valued by all Americans. Plans are being made to have the presidential candidates of both parties speak, and many others of the nation's leaders have tentatively accepted invitations to attend.

Round table leaders include Dr. John D. Black, Mrs. Aurelia Henry Reinhardt, Dr. John H. Latane, Dr. Thomas H. Reed, Professor Kirk H. Porter, Dr. A. R. Hatton, Mark Graves and Dr. Victor Rosewater.

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The Pennsylvania Association of Planning Commissioners held its third annual conference at Altoona, February 16 and 17. This first conference outside of Harrisburg undoubtedly was a distinct advance in the interest of city planning and municipal development in the state.

Mayor McMurray and W. A. Hoyt, chairman of the Altoona city planning commission, welcomed the delegates, and Dr. K. M. J. Klein, president of the Association, responded.

Housing in the city plan was presented by Benjamin H. Ritter, executive secretary, Pennsylvania Housing and Town Planning Association. John Ihlder, manager, Civic Development Department, United States Chamber of Commerce, Washington, D. C., was the dinner speaker. His theme was comprehensive and stressed planning, zoning and traffic.

The forenoon of February 17 was devoted to zoning. Contributions were made by: W. C. Rice, secretary, Pittsburgh Planning Commission; U. N. Arthur, chief engineer, Pittsburgh Department of City Planning, and Frank P. Best of Morris Knowles, Inc., consultants. During the afternoon Russell Van Ness Black, planning engineer for the Regional Planning Federation of Philadelphia Tri-State District, spoke on regional planning. Thomas H. Reed, director, Bureau of Government, University of Michigan, presented his theme on regional government. Francis J. Mulvihill, chief, Division of City Planning and Municipal Engineering, Pennsylvania Bureau of Municipal Affairs, reported on progress of city planning in Pennsylvania during 1927. Leo J. Buettner, secretary, City Planning Commission, Johnstown, in his address on making city planning effective demonstrated his talk with lantern slides.

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Detroit Railways Reported Financially Successful.—William H. Hauser, auditor of the Detroit Street Railways, reporting on the result of seven years of municipal ownership and

operation, states that in addition to paying off $13,775,656.51 of debt, an accrued depreciation fund to the amount of $4,772,153.32 had been earned and invested in the property. All has come from the pockets of the car riders. In addition to paying operating and maintenance expenses, including paving between the tracks, the system has paid taxes on its physical property the same as if privately owned.

⁂

Philadelphia Plans a City Theatre.—A proposal for an elaborate municipal theatre, which would be built on city-owned property, at a cost of $800,000 and dedicated to the "intimate drama," has been laid before Mayor Mackey of Philadelphia by a group represented by Arthur W. Thompson, president of the United Gas Improvement Company, State Senator George Woodward and Samuel P. Wetherill, Jr., president of the Regional Planning Federation of the Philadelphia district.

Senator Woodward at the same time offered to contribute $100,000 to the theatre fund. Bonds would be issued to obtain the rest of the money and a sinking fund set up for the retirement of the securities, under the backers' plan. After the theatre had been freed of all incumbrances it would be deeded over as the city's property.

⁂

The University of Cincinnati has reëstablished an office of its Municipal Reference Bureau in the Cincinnati City Hall, under a coöperative arrangement with the city government. The Bureau will serve the city directly in supplying and procuring information on problems of city government, preparing abstracts and reports, and in digesting and making available current municipal literature. The University has appointed Emmett L. Bennett, a graduate of the University of Kansas, to take charge of the Bureau. Some years ago he was in charge of the Municipal Reference Bureau of the University of Minnesota, and recently has been in the service of the Cleveland city council as its legislative aide.

⁂

The City Club of New York has announced the appointment of Harry W. Marsh as civic director of the club.

Mr. Marsh has for years been engaged in civic work in connection with the National Civil Service Reform League and the New York Civil Service Reform Association. He was graduated from Columbia University in 1911 and in the following year he entered the offices of the Civil Service Reform organizations as assistant secretary. In 1917 he was commissioned a lieutenant in the Ordnance Corps of the United States Army and saw service with the American Expeditionary Forces in France. Upon leaving the army, he returned to the Civil Service League and was elected secretary in 1920.

His connection with the City Club and his separation from the Civil Service League will be gradual; it being understood that he will not be able to devote his full time to the work of the club until about May 1, 1928.

⁂

By-Pass Highways Recommended.—The Regional Planning Federation of the Philadelphia Tri-State District, in a report entitled "By-Pass Highways for Traffic Relief," points out the necessity of by-passing large cities. The report urges the procurement of adequate rights of way at once, as every year adds hundreds of thousands of dollars to the cost. New subdivisions, new industries, new and costly developments of every kind are constantly occurring to obstruct the few remaining practicable locations. In all, the construction of seven trunk highways is recommended, the major portion of which can be built on existing rights of way. Route No. 1, however, which would be a link in the proposed superhighway from Florida to Maine, to be known as the Washington Boulevard, would cut through new territory from Princeton, N. J., and would avoid Philadelphia as well as all other towns of any size.

⁂

How a School District Can Obtain a Better Price for Its Bonds is the subject of a little pamphlet written by Tom K. Smith, vice-president of the Investment Bankers Association of America, and published by the Association. The pamphlet contains much helpful information for school boards, and is in conformity with the provisions of the Model Bond Law of the National Municipal League.

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The Engineering News-Record reports that the prohibition of automobile parking in the Loop district of Chicago appears to be a success in that "almost at once increased clearness of the streets, rapid and steady traffic movement, and elimination of tangles and congestion became conspicuously evident."